STATE OF UTAH

DEPARTMENT OF ENVIRONMENTAL QUALITY

DIVISION OF WATER QUALITY

Utah Pollutant Discharge Elimination System

General Permit for Storm Water Discharges from Construction Activities

UPDES Permit No. UTRC00000

This General Permit for Storm Water Discharges from Construction Activities (Permit) is issued in compliance with the provisions of the Utah Water Quality Act, Utah Code § 19-5-101 et. seq. as amended (the "Act") under delegated authority pursuant to 33 U.S.C. § 1342 and with federal oversight from the Environmental Protection Agency (EPA) under the Federal Clean Water Act, 33 U.S.C 1251, et. seq., as amended, and the rules and regulations made pursuant to those statutes. This Permit authorizes "owners/operators" of construction activities (defined in Part 1.1.1 and Part 10) that meet the requirements of Part 1 of this Utah Pollutant Discharge Elimination System (UPDES) General Permit, to discharge pollutants in accordance with the effluent limitations and conditions set forth herein. Permit coverage is required from the "commencement of earth-disturbing activities" (see Part 10) until "final stabilization" (see Part 2.2.14).

This Permit shall become effective on July 1, 2024.

This Permit and the authorization to discharge shall expire at midnight on June 30, 2028.

Originally signed on **DATE**.

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John K. Mackey, P.E.

Director

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1. COVERAGE UNDER THIS PERMIT

To be covered under this Permit, you must meet the eligibility conditions and follow the requirements for applying for Permit coverage in this Part.

1.1 ELIGIBILITY CONDITIONS

1.1.1 You are an "operator" of a Project for which discharges will be covered under this permit.

For the purposes of this Permit and in the context of storm water discharges associated with construction activity, an "operator" is any party associated with a construction project that meets either of the following two criteria:

a. The party which has operational control over construction plans and specifications, including the ability to make modifications to those plans and specifications (e.g. in most cases this is the owner of the site, sometimes it is a lessor); or

b. The party which has day-to-day operational control of those activities at a project that are necessary to ensure compliance with the Permit conditions (e.g., they are authorized to direct workers at a site to carry out activities required by the Permit; in most cases this is the general contractor of the project).

Except for areas referenced in Part 1.2.1.b, this Permit covers those areas owned or leased by the operator that has operational control over construction plans and specifications.

1.1.2 The Project:

a. Will **disturb one or more acres** of land, or will disturb less than one acre of land but will be part of a common plan of development or sale[1] that will ultimately disturb one or more acres of land;[2] or

b. Will result in Discharges requiring a Permit under Utah Admin. Code R317-8-11.3(1)(a) or 11.3(6)(e).[3]

1.1.3 The project is located within the state of Utah, but not within Indian Country.[4]

1.1.4 Discharges from the project cannot:

a. **already have coverage** under a UPDES Permit or any other UPDES permit for a storm water discharge associated with construction activity (The site may also have UPDES wastewater and industrial storm water permit coverage for separate discharges);

[1] See definition for common plan of development or sale in Part 10.

[2] Single lot residential projects that disturb less than 1 acre of land and are part of a common plan of development or sale may obtain coverage under the Common Plan Permit (UTRH00000) in lieu of this Permit. Information on this Permit can be found on the Division of Water Quality (DWQ) construction storm water web site at https://deq.utah.gov/legacy/permits/water-quality/utah-pollutant-discharge-elimination-system/storm-water-general-construction.htm.

[3] Projects less than five acres with a rainfall erosivity factor ("R" in the revised universal soil loss equation, or RUSLE) value of less than five during the period of construction activity may waiver the requirements of this Permit by submitting an Erosivity Waiver Certification. The DWQ construction storm water web site (https://deq.utah.gov/legacy/permits/water-quality/utah-pollutant-discharge-elimination-system/storm-water-general-construction.htm) contains additional information on the Erosivity Waiver.

[4] EPA Region VIII regulates storm water permits for Indian Country within the State, except for facilities on the Navajo Reservation or on the Goshute Reservation which must acquire storm water permits through EPA Region IX.

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b. **be in the process of having coverage under a different UPDES permit for the same storm water discharge denied, terminated, or revoked**;[5] or

c. **be treated with "cationic treatment chemicals"** (as defined in Part 10) unless you notify DWQ in advance of receiving Permit coverage and receive written approval. To use "cationic treatment chemicals" you must demonstrate to DWQ that you use appropriate controls and implementation procedures to ensure that your use of cationic treatment chemicals will result in discharges that meet applicable water quality standards.

1.1.5 **Water Quality Standards – Eligibility for New Sources**. If you are a "new source" (as defined in Part 10), you are not eligible for coverage under this Permit for discharges that will not meet applicable water quality standards. Where DWQ makes such a determination, operators must make adjustments to storm water controls to bring the discharge into compliance with water quality standards immediately or DWQ will rescind your Permit coverage. DWQ expects that compliance with the storm water control requirements of this Permit, including the requirements applicable to such discharges in Part 3.2, will result in discharges that meet applicable water quality standards.

1.1.6 **Discharging to Waters with High Water Quality – Eligibility for New Sources**. If you are a "new source" (as defined in Part 10), you are eligible to discharge to a Category 1 water if your discharge is temporary and limited and where best management practices will be employed to minimize pollution effects, to a Category 2 water only if your discharge will not lower the water quality of the applicable water body. In the absence of information demonstrating otherwise, DWQ expects that compliance with the storm water control requirements of this Permit, including the requirements applicable to such discharges in Part 3.2, will result in discharges that will not lower the water quality of the applicable water.

Your project discharges to a Category 1 or 2 water if the first surface water to which you discharge is a Category 1 or 2 water as identified by the state. For discharges that enter a storm sewer system prior to discharge, the first surface water to which you discharge is the water body that receives the storm water discharge from the storm sewer system. Please refer to water quality information at https://enviro.deq.utah.gov/.

1.2 DISCHARGES AUTHORIZED UNDER THIS PERMIT

1.2.1 The following **discharges are allowed** under this Permit provided you design, install, and maintain storm water controls appropriately:

a. Storm water discharges, including **storm water runoff, snowmelt, and surface water runoff and drainage**, associated with construction activity under Utah Admin. Code R317-8-11.3(1)(a) or 11.3(6)(e);

b. Storm water discharges from on or off-site **construction support activities** (e.g., concrete or asphalt batch plants, equipment staging yards, material storage areas, excavated material disposal areas, borrow areas) provided:

(1) The support **activity is directly related to the construction site** required to have Permit coverage for storm water discharges;

(2) The support activity **does not serve multiple unrelated construction projects**;

[5] The ineligibility causing the denial, termination, or revocation of projects must be resolved before coverage can be restored.

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(3) The support activity **does not continue to operate beyond the completion of the construction** activity at the project it supports; and

(4) You implement storm water controls in accordance with Part 2 and, if applicable, Part 3, for discharges from the support activity areas.

c. Storm water discharges from earth-disturbing activities associated with the construction of staging areas and the construction of access roads conducted prior to active mining.

1.2.2 **The following non-storm water discharges associated with** your construction activity are authorized under this Permit, provided you comply with all applicable requirements for these discharges in Part 2:

a. Discharges from emergency fire-fighting activities;

b. Fire hydrant flushings;

c. Properly managed landscape irrigation;

d. Water used to wash vehicles and equipment, provided that there is no discharge of soaps, solvents, or detergents used for such purposes;

e. Water used to control dust;

f. Potable water including uncontaminated water line flushings;

g. External building washdown, provided you do not use soaps, solvents, and detergents, and external surfaces do not contain hazardous substances;

h. Pavement wash waters, provided spills or leaks of toxic or hazardous materials have not occurred (unless you have removed all spill material) and where you do not use detergents (including biodegradable soy bean oils and biodegradable detergents). You may not direct pavement wash waters directly into any waters of the state, storm drain inlet, or constructed or natural site drainage feature unless the conveyance feature connects to a sediment basin, sediment trap, or similarly effective control for the pollutants present. Per Part 2.2.4.d., you may not hose accumulated sediments on pavement into any storm water conveyance feature;

i. Uncontaminated air conditioning or compressor condensate;

j. Uncontaminated, non-turbid discharges of ground water (from natural sources) or spring water; and

k. Foundation or footing drains where process materials such as solvents, contaminated ground water, or sediment from construction activity have not contaminated flows.

1.2.3 Also authorized under this Permit is the comingling of the non-storm water discharges listed above in Part 1.2.2 with other UPDES permitted discharges.

1.2.4 **You must obtain a permit for discharges of construction dewatering** (groundwater that intersects with excavation) under UTG070000 (Construction Dewatering and Hydrostatic Test Permit), and the Municipal Separate Storm Sewer System (MS4) (of jurisdiction) notified of the discharge. You may choose not to obtain a permit under UTG070000 if the construction dewatering does not leave the site (you allow the water to percolate into the ground on site).

1.3 PROHIBITED DISCHARGES

The discharges listed in this Part are prohibited. To prevent the discharges in this Part, operators must comply with the applicable pollution prevention requirements in Part 2.3 or ensure the discharge is

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authorized under another UPDES permit consistent with Part 1.2.3 for commingled discharges.

1.3.1 Wastewater from washing tools and vehicles after pouring, prepping, or finishing concrete.

1.3.2 Wastewater from washing and/or cleanout of stucco, paint, concrete, form release oils, curing compounds, and other construction materials;

1.3.3 Fuels, oils, or other pollutants used in vehicle and equipment operation and maintenance;

1.3.4 Soaps, solvents, or detergents used in vehicle and equipment washing or external building washdown; and

1.3.5 Toxic or hazardous substances from a spill or other release.

1.4 NOTICE OF INTENT (NOI)

You must develop a Storm Water Pollution Prevention Plan (SWPPP) (see Part 7), submit a complete and accurate NOI, remit the Permit fee, and receive written authorization to discharge before you are covered under this Permit. The Permit fee covers one year of Permit coverage. If a project extends more than one year, you must renew your Permit coverage and pay the annual permit fee.[6]

All NOI application packages, including Authorization to Discharge letters and SWPPPs must also be submitted to regulated MS4s (see the list of MS4s on the DWQ website https://deq.utah.gov/water-quality/municipal-separate-storm-sewer-system-ms4s-permits-updes-permits). Not all municipalities are regulated MS4s (as defined in Part 10).

1.4.1 **Exception for Emergency-Related Construction Activities.** If you are conducting earth-disturbing activities in response to a public emergency (e.g., natural disaster, widespread disruption in essential public services), and the related work requires immediate authorization to avoid imminent endangerment to human health, public safety, or the environment, or to reestablish public services, you may discharge subject to the following conditions:

a. If you accomplish the emergency related activity within 30 days, the normal requirements to submit an NOI and prepare a Storm Water Pollution Prevention Plan (SWPPP) prior to discharge are waived, but you must submit a written report to DWQ within 45-days of completion of the work which includes:

(1) A description of the emergency work performed;

(2) a description of earth disturbances that occurred;

(3) an explanation of the proximity of the work to waters of the State, and what you did to protect water quality during the emergency work; and

(4) documentation substantiating the occurrence of the public emergency.

b. If the earth-disturbing activities continue for longer than 30 days, you may discharge on the condition you submit a complete and accurate NOI within 30 calendar days of commencing earth-disturbing activities establishing that you are eligible under this Permit. You must provide emergency documentation in your SWPPP to substantiate the occurrence of the public emergency.

1.4.2 **How to Submit Your NOI**. You must use EPA's NPDES eReporting Tool (NeT) to electronically prepare

[6] You may request to renew Permit coverage as early as 30 days prior to the expiration of your coverage, and as late as 60 days after expiration.

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and submit your NOI for coverage under the Permit unless the Director grants a waiver from electronic reporting.

To access NeT, go to https://cdx.epa.gov/cdx/.

You may obtain a waiver from electronic reporting based on one of the following conditions:

a. If your operational headquarters is physically located in a geographic area (i.e., ZIP code or census tract) identified as under-served for broadband Internet access in the most recent report from the Federal Communications Commission; or

b. If you have limitations regarding available computer access or computer capability.

A request for a waiver from electronic reporting should be made in writing, identify which condition in Part 1.4.2 qualifies you for a waiver, be signed in accordance with the requirements of Part 9.9, and be mailed to the address below. If the Director grants you approval to use a paper NOI and you elect to use it, a paper copy of the NOI form may be downloaded from the DWQ construction storm water web site at https://deq.utah.gov/water-quality/general-construction-storm-water-updes-permits, filled out and mailed, with the Permit fee, to:

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

1.4.3 Modifying Your NOI. If after submitting your NOI you need to correct or update any fields, you may do so by submitting a "Change NOI" form using NeT-CGP. You may obtain a waiver from electronic reporting as specified in Part 1.4.2. If granted approval to submit a paper NOI modification, you may indicate any NOI changes on the NOI form available on the DWQ construction storm water web site at https://deq.utah.gov/water-quality/general-construction-storm-water-updes-permits and send the updated NOI to the address in Part 1.4.2.

You must submit the following modifications to an NOI form within 30-days of the change:

a. Changes to the name of the owner or operator;

b. Changes to the project or site name;

c. Changes to the estimated area to be disturbed; or

d. Changes to the name of the receiving water body, or additions to the applicable receiving waters.

1.4.4 Start and End Date of Permit Coverage. Your coverage will begin the date you receive written authorization to discharge from the Director and will remain in effect for one year. Permit coverage must be renewed annually until construction activities are completed and final stabilization is achieved.

1.4.5 Your coverage under this Permit may terminate if any of the following occur:

a. you submit a Notice of Termination (NOT) at https://cdx.epa.gov/cdx/;

b. you fail to renew the permit or pay the annual permit fee;

c. the Director rescinds or revokes your Permit coverage for the project site; or

d. all storm water discharges for the site obtain coverage under a different general or individual UPDES permit. Under these circumstances, coverage under this Permit terminated the same day other permit coverage begins.

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1.4.6 Continuation of Coverage After this Permit Expires. This Permit is valid for five (5) years from the date issued. If DWQ does not reissue or replace this Permit by the expiration date, the Director will administratively extend the Permit until the issuance of a comparable Permit. Permit coverage will continue under this Permit until the earliest of:

a. The permittee's authorization for coverage under a reissued or replacement version of this Permit;

b. the permittee's submittal of a Notice of Termination, submitted at: https://cdx.epa.gov/cdx/; or

c. the issuance of an individual permit or denial of coverage (see Part 1.4.5) for the project's discharges.

DWQ reserves the right to modify or revoke and reissue this Permit as allowed under Utah Admin. Code R317-8-5.6. If this occurs, the Director will notify you of any relevant changes to this Permit.

1.4.7 Procedures for Denial of Coverage. Following a submittal of a complete and accurate NOI, DWQ will notify you that you do not have coverage, and that you must either apply for and/or obtain coverage under an individual UPDES permit or an alternate general UPDES permit. This notification will include a brief statement of the reasons for this decision and will provide application information. Any interested person may request that DWQ consider requiring an individual permit under this paragraph.

If you are already a permittee with coverage under this Permit, the notice will set a deadline to file the Permit application, and will include a statement that on the effective date of the individual UPDES permit or alternate general UPDES permit, as it applies to you, coverage under this general Permit will terminate. DWQ may grant additional time to submit the application if requested. If you have coverage under this Permit and fail to submit an individual UPDES permit application or an NOI for an alternate general UPDES permit as required by DWQ, termination of this Permit will be at the end of the day specified by DWQ as the deadline for application submittal. DWQ may take appropriate enforcement action for any unpermitted discharge. If you submit a timely permit application, then when an individual UPDES permit is issued to you or you receive coverage under an alternate general UPDES permit, termination of this Permit is on the effective date of the individual permit or date of coverage under the alternate general permit.

1.5 REQUIREMENT TO POST A NOTICE OF YOUR PERMIT COVERAGE.

All permitted sites must have a sign posted in a conspicuous, safe, publicly accessible place near the entrance to the project. The font on the sign must large enough for normal corrected vision to easily read the sign contents from a public right-of-way. At a minimum, the notice must include:

1.5.1 the UPDES Permit tracking number;

1.5.2 the name of a contact person for questions, SWPPP requests, or information about the project;

a. a contact phone number (must be available during business hours); or

b. an email address (you must check and respond to emails within 24-hours on week days).

2. TECHNOLOGY-BASED EFFLUENT LIMITATIONS

You must comply with the following technology-based effluent limitations in this Part for all authorized discharges.

2.1 GENERAL STORM WATER CONTROL DESIGN, INSTALLATION, AND MAINTENANCE REQUIREMENTS

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You must design, install, and maintain storm water controls required in Part 2.2 and Part 2.3 to minimize the discharge of pollutants in storm water from construction activities. To meet this requirement, you must:

2.1.1 Account for the following factors in designing your storm water controls:

a. The expected amount, frequency, intensity, and duration of precipitation;[7]

b. The nature of storm water runoff and run-on at the site, including factors such as expected flow from impervious surfaces, slopes, and site drainage features. You must design storm water controls to control storm water volume, velocity, and peak flow rates to minimize discharges of pollutants in storm water and to minimize channel and streambank erosion and scour in the immediate vicinity of discharge points; and

c. The soil type and range of soil particle sizes expected to be present on the site.

2.1.2 Design and install all storm water controls in accordance with good engineering practices, including applicable design specifications (see manufacturer specifications and/or applicable erosion and sediment control manuals or ordinances – departures from such specifications must reflect good engineering practices and must be explained in your SWPPP).

2.1.3 Complete installation of storm water controls by the time each phase of construction activities has begun.

a. Before construction activity in any given portion of the site begins, install and make operational any downgradient sediment controls (e.g., buffers, perimeter controls, exit point controls, storm drain inlet protection) that control discharges from the initial construction activities (e.g., clearing, grading, or excavating).

b. Following the installation of these initial controls, adjust storm water control and management strategies throughout the project to meet and match the needs for each phase of construction, if applicable, as the project progresses towards completion.

2.1.4 Ensure that you maintain all storm water controls, keep them in effective operating condition during Permit coverage, and protect them from activities that would reduce their effectiveness.

a. Comply with any specific maintenance requirements for the storm water controls listed in this Permit.

b. If at any time you find that a storm water control needs routine maintenance (i.e. minor repairs or other upkeep performed to ensure the site's storm water controls remain in effective operating condition, not including significant repairs or the need to install a new or replacement control), you must immediately initiate the needed work, and complete such work by the close of the next business day. If it is infeasible to complete the routine maintenance by the close of the next business day, you must document why this is the case and why you consider the repair or other upkeep to be routine maintenance in your inspection report under Part 4.7.1 and complete such work no later than seven (7) calendar days from the time of discovery of the condition requiring maintenance.

c. If you must repeatedly (i.e., three (3) or more times) make the same routine maintenance fixes to the same control at the same location, even if you can complete the repair by the close of the next business day, you must either:

[7] Storm water controls must be designed using the most recent data available to account for recent precipitation patterns and trends.

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(1) Complete work to fix any subsequent repeat occurrences of this same problem under the corrective action procedures in Part 5, including keeping any records of the condition and how you corrected it under Part 5.4; or

(2) Document in your inspection report under Part 4.7.1 why you still consider the specific reoccurrence of this same problem as a routine maintenance fix under this Part.

d. If at any time you find that a storm water control needs a significant repair or that you need a new or replacement control, you must comply with the corrective action deadlines for completing such work in Part 5.2.

2.2 EROSION AND SEDIMENT CONTROL REQUIREMENTS

You must implement erosion and sediment controls in accordance with the following requirements to minimize the discharge of pollutants in storm water from construction activities.

2.2.1 Provide and maintain natural buffers and/or equivalent erosion and sediment controls for discharges to waters of the state that are located within 50 feet of the site's earth disturbances. Additional guidance for buffers is in Appendix A.

a. Compliance Alternatives. For any discharges to waters of the state located within 50 feet of your site's earth disturbances, you must comply with one of the following alternatives:

(1) Provide and maintain a 50-foot undisturbed natural buffer; or

(2) Provide and maintain an undisturbed natural buffer that is less than 50 feet and supplemented by erosion and sediment controls that achieve, in combination, the sediment load reduction equivalent to a 50-foot undisturbed natural buffer; or

(3) If infeasible to provide and maintain an undisturbed natural buffer of any size, implement erosion and sediment controls to achieve the sediment load reduction equivalent to a 50-foot undisturbed natural buffer.

b. **Exception**. See Appendix A, Part A.2.2 for exceptions to the compliance alternatives.

2.2.2 Preserve naturally vegetated areas where possible and, if feasible, direct storm water to these areas to maximize storm water infiltration and filtering to reduce pollutant discharges, unless there are groundwater contamination concerns or infiltration is infeasible due to site conditions.

2.2.3 Install sediment controls along any perimeter areas of the site that are downslope from any exposed soil or other disturbed areas.

a. You must install the perimeter control upgradient of any natural buffers established under Part 2.2.1, unless you are implementing the control pursuant to Part 2.2.1.a(1) or (2);

b. To prevent stormwater from circumventing the edge of the perimeter control, install the perimeter control on the contour of the slope and extend both ends of the control up slope (e.g., at 45 degrees) forming a crescent rather than a straight line;

c. After installation, to ensure that perimeter controls continue to work effectively:

(1) Remove sediment before it has accumulated to one-half of the above-ground height of any perimeter control; and

(2) After a storm event, if there is evidence of stormwater circumventing or undercutting the perimeter

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control, extend controls and/or repair undercut areas to fix the problem.

d. **Exception.** For areas at "linear construction projects" (as defined in Part 10) where perimeter controls are infeasible (e.g., due to a limited or restricted right-of-way), implement other practices as necessary to minimize pollutant discharges to perimeter areas of the site.

2.2.4 Minimize sediment track-out.

a. Restrict vehicle use to properly designated exit points;

b. Use appropriate stabilization techniques at all points that exit onto paved roads;[8]

(1) **Exception**: Exit points at linear utility construction sites used only episodically and for very short durations over the life of the project do not need stabilization, provided you implement other exit point controls[9] to minimize sediment track-out;

c. Implement additional track-out controls[10] as necessary to ensure that sediment removal occurs prior to vehicle exit; and

d. For single lot residential sites disturbing less than one acre, if traffic onto and off the site is not frequent, a site operator may impose a blanket prohibition of vehicle traffic onto the site, allowing for the occasions to deliver and unload, but afterwards providing sweeping and/or cleaning of tracked out dirt.

e. Where sediment has been tracked-out from your site onto paved roads, sidewalks, or other paved areas outside of your site, you must remove deposited sediment before it accumulates significantly and tracks beyond the immediate vicinity of the project. Frequency of removal is dependent on-site conditions and should occur as often as necessary to control off-site tracking. Remove the track-out by sweeping, shoveling, or vacuuming these surfaces, or by using other similarly effective means of sediment removal. You may not hose or sweep tracked-out sediment into any constructed or natural site drainage feature, storm drain inlet, or water of the state.[11]

2.2.5 Manage stockpiles or land clearing debris piles composed, in whole or in part, of sediment and/or soil:[12]

a. Locate the piles outside of any natural buffers established under Part 2.2.1 and away from any constructed or natural site drainage features, storm drain inlets, and areas where there is concentrated storm water flow;

[8] An example of appropriate stabilization techniques is the use of aggregate stone with an underlying geotextile or non-woven filter fabric, and turf mats.

[9] Examples of other exit point controls include preventing the use of exit points during wet periods; minimizing exit point use by keeping vehicles on site to the extent possible; limiting exit point size to the width needed for vehicle and equipment usage; using scarifying and compaction techniques on the soil; and avoiding establishing exit points in environmentally sensitive areas (e.g., karst areas; steep slopes).

[10] Examples of additional track-out controls include the use of wheel washing, rumble strips, and rattle plates.

[11] Fine grains that remain visible (i.e., staining) on the surfaces of off-site streets, other paved areas, and sidewalks after you have implemented sediment removal practices are not a violation of Part 2.2.4.

[12] The requirements in Part 2.2.5 do not apply to the storage of rock, such as rip rap, landscape rock, pipe bedding gravel, and boulders. Refer to Part 2.3.3 for the requirements that apply to these types of materials.

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b. Install a sediment barrier along all downgradient perimeter areas of stockpiled soil or land clearing debris piles;[13]

c. For piles that will be unused for 14 or more days and stored in areas that you inspect at a reduced frequency due to temporary stabilization or frozen conditions (Part 4.4.1 and 4.4.3), provide cover[14] or appropriate temporary stabilization (consistent with Part 2.2.14);

d. You may not hose down or sweep soil or sediment accumulated on pavement or other impervious surfaces into any constructed or natural site drainage feature, storm drain inlet, or water of the state; and

e. Where practicable, contain and securely protect from wind.

2.2.6 Minimize dust. On areas of exposed soil, minimize the generation of dust through the appropriate application of water or other dust suppression techniques.

2.2.7 Minimize steep slope disturbances. Minimize the disturbance of "steep slopes" (as defined in Part 10).

2.2.8 Preserve native topsoil,[15] unless infeasible.

2.2.9 Minimize soil compaction[16] in areas of your site where final vegetative stabilization will occur or where you will install infiltration practices:

a. Restrict vehicle and equipment use in these locations to avoid soil compaction; and

b. Before seeding or planting areas of exposed compacted soil, use techniques that rehabilitate and condition the soils as necessary to support vegetative growth.

2.2.10 Protect storm drain inlets.

a. Install inlet protection measures that remove sediment from discharges prior to entry into any storm drain inlet that carries storm water from your site to waters of the state, provided you have authority to access the storm drain inlet.[17] and

b. Clean, or remove and replace, the inlet protection measures as sediment accumulates, the filter becomes clogged, and/or performance is compromised. Where there is evidence of sediment accumulation adjacent to the inlet protection measure, remove the deposited sediment by the end of the same business day in which you found it.

2.2.11 Minimize erosion of constructed or natural site drainage feature channels and their embankments, outlets, adjacent streambanks, slopes, and downstream waters. Use erosion controls and velocity

[13] Examples of sediment barriers include berms, dikes, fiber rolls, silt fences, sandbags, gravel bags, or straw bale.

[14] Examples of cover include tarps, blown straw and hydromulching.

[15] Stockpiling topsoil at off-site locations, or transferring topsoil to other locations, is an example of a practice that is consistent with the requirements in Part 2.2.8. Preserving native topsoil is not required where the intended function of a specific area of the site dictates that the topsoil be disturbed or removed. For example, some sites may be designed to be highly impervious after construction, and therefore little or no vegetation is intended to remain, or may not have space to stockpile native topsoil on site for later use, in which case it may not be feasible to preserve topsoil.

[16] Minimizing soil compaction is not required where the intended function of a specific area of the site dictates that it be compacted.

[17] Inlet protection measures can be removed in the event of flood conditions or to prevent erosion.

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dissipation devices[18] within and along the length of any constructed or natural site drainage feature channel and at any outlet to slow down runoff and minimize erosion.

2.2.12 If you install a sediment basin or similar impoundment:

a. Situate the basin or impoundment outside of any water of the state and any natural buffers established under Part 2.2.1;

b. Design the basin or impoundment to avoid collecting water from wetlands;

c. Design the basin or impoundment to provide storage for either:

(1) The calculated volume of runoff from a 2-year, 24-hour storm; or

(2) 3,600 cubic feet per acre drained.

d. Utilize outlet structures that withdraw water from near the surface of the sediment basin or similar impoundment, unless infeasible;[19]

e. Use erosion controls and velocity dissipation devices to prevent erosion at inlets and outlets; and

f. Remove accumulated sediment to maintain at least one-half of the design capacity and conduct all other appropriate maintenance to ensure the basin or impoundment remains in effective operating condition.

2.2.13 If using treatment chemicals (e.g., polymers, flocculants, coagulants):

a. **Use conventional erosion and sediment controls before and after the application of treatment chemicals**. You may only apply chemicals where you direct treated storm water to a sediment control (e.g., sediment basin, perimeter control) before discharge.

b. **Select appropriate treatment chemicals**. Chemicals must be appropriately suited to the types of soils likely to be exposed during construction and present in the discharges to be treated (i.e., the expected turbidity, pH, and flow rate of storm water flowing into the chemical treatment system or area).

c. **Minimize discharge risk from stored chemicals**. Store all treatment chemicals in leakproof containers that are kept under storm-resistant cover and surrounded by secondary containment structures (e.g., spill berms, decks, spill containment pallets), or provide equivalent measures designed and maintained to minimize the potential discharge of treatment chemicals in storm water or by any other means (e.g., storing chemicals in a covered area, having a spill kit available on site and ensuring personnel are available to respond expeditiously in the event of a leak or spill).

d. **Comply with state/local requirements**. Comply with applicable state and local requirements regarding the use of treatment chemicals.

e. **Use chemicals in accordance with good engineering practices and specifications of the chemical provider/supplier**. Use treatment chemicals and chemical treatment systems in accordance with good

[18] Examples of velocity dissipation devices include check dams, sediment traps, riprap, and grouted riprap at outlets.

[19] The circumstances in which it is infeasible to design outlet structures in this manner are rare. A possible exception is dealing with or treating for temperature, but there may be other reasons. If you determine that it is infeasible to meet this requirement, you must provide documentation in your SWPPP to support your determination, including the specific conditions or time periods when this exception will apply.

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engineering practices, and with dosing specifications and sediment removal design specifications provided by the provider/supplier of the applicable chemicals, or document in your SWPPP specific departures from these specifications and how they reflect good engineering practice. Consider changing site conditions, such as temperature, that may affect dosing levels.

f. **Ensure proper training**. Ensure you provide all persons who handle and use treatment chemicals at the construction site with appropriate, product-specific training prior to beginning application of treatment chemicals. Among other things, the training must cover proper dosing requirements.

g. **Perform additional measures specified by DWQ for the authorized use of cationic chemicals**. If authorized to use cationic chemicals at your site pursuant to Part 1.1.4.c, you must perform all additional measures as conditioned by your authorization to ensure that the use of such chemicals will not result in discharges that do not meet water quality standards.

2.2.14 Stabilize exposed portions of the site. Implement and maintain stabilization measures (e.g., seeding protected by erosion controls until vegetation is established, sodding, mulching, erosion control blankets, hydromulch, gravel) that minimize erosion from any areas of exposed soils on the site in accordance with Parts 2.2.14.a and 2.2.14.b.

a. **Stabilization Deadlines:**

(1) Initiate the installation of stabilization measures in any areas of exposed soil where construction activities have permanently ceased or will be temporarily inactive for 30 or more calendar days as soon as possible and prior to the end of the 30th day of inactivity; and

(2) Complete the installation of stabilization measures as soon as practicable, but no later than 30 calendar days after initiation of stabilization.[20]

(3) **Exceptions:**

(i) Arid, semi-arid, and drought-stricken areas[21] (as defined in Part 10). Where a project is located in an arid or semi-arid area, or construction activities occur during a seasonally dry period or a period in which drought is occurring, and vegetative stabilization measures are being used:

(1) Initiate as soon as practicable and, within 30 calendar days of temporary or permanent cessation of work in any portion of your site, complete the installation of temporary non-vegetative stabilization measures to the extent necessary to prevent erosion;[22]

[20] If vegetative stabilization measures are being implemented, stabilization is considered "installed" when all activities necessary to seed or plant the area are completed including the application of any non-vegetative protective cover (e.g. mulch, erosion control blanket), if applicable. If non-vegetative stabilization measures are being implemented, stabilization is considered "installed" when all such measures are implemented or applied.

[21] If you are in an area receiving more than 20 inches of average annual precipitation that is in a drought (as determined by the NOAA drought predictor http://www.cpc.ncep.noaa.gov/products/Drought/) or a seasonal dry period, to comply with drought conditions you must identify the normal seasonal dry period in the SWPPP.

[22] The stabilization measures required to prevent erosion in arid and semi-arid areas vary based on site conditions. For visually flat areas, stabilization is not required (roughly from 0 percent up to 5 percent) unless an erosion concern exists. Areas with slopes roughly 5 percent to 20 percent must have, at a minimum, controls to reduce storm water velocities to a point that erosion is controlled. Over a 20 percent slope requires soil surface stabilization. The amount of stabilization provided must

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(2) As soon as practicable, given conditions or circumstances on the site, complete all activities necessary to seed or plant the area you need to stabilize; and

(3) If construction is occurring during the seasonally dry period,[23] indicate in your SWPPP the beginning and ending dates of the seasonally dry period and your site conditions. Also include the schedule you will follow for initiating and completing vegetative stabilization.

(ii) **Discharges to a sediment- or nutrient-impaired water** (a water having a total maximum daily load (TMDL) identifying sediment or nutrients as the cause of impairment) or to a water that is high quality for antidegradation purposes (see Part 3.2). Complete stabilization as soon as practicable, but no later than thirty (30) calendar days after you initiate stabilization.

b. **Final Stabilization Criteria** (for any areas not covered by permanent structures):

(1) Establish uniform, perennial vegetation (i.e., evenly distributed, without large bare areas) to provide 70 percent or more of the vegetative cover provided by vegetation prior to commencing earth-disturbing activities; and/or

(2) Implement permanent non-vegetative stabilization measures[24] to provide effective cover of any areas of exposed soil.

(3) **Exceptions:**

(i) **Arid, semi-arid, and drought-stricken areas** (as defined in Part 10). You have met final stabilization if you have seeded or planted the area to establish vegetation that provides 70 percent or more of the vegetative cover provided by vegetation prior to commencing earth disturbing activities within three (3) years and, to the extent necessary[18] to prevent erosion on the seeded or planted area, you have applied non-vegetative erosion controls to provide cover for at least three (3) years without active maintenance.

(ii) If you have restored disturbed areas on agricultural land to their preconstruction agricultural use the final stabilization criteria in Part 2.2.14.b do not apply.

(iii) **Areas that need to remain disturbed**. In limited circumstances, stabilization may not be required if the intended function of a specific area of the site necessitates that it remains disturbed, and only the minimum area needed remains disturbed (e.g., dirt access roads, utility pole pads, areas used for storage of vehicles, equipment, materials).

2.3 POLLUTION PREVENTION REQUIREMENTS

You must implement pollution prevention controls in accordance with the following requirements to minimize the discharge of pollutants in storm water and to prevent the discharge of pollutants from spilled or leaked materials from construction activities.

2.3.1 For equipment and vehicle fueling and maintenance:

a. Provide an effective means of eliminating the discharge of spilled or leaked chemicals, including fuels

increase commensurately with increasingly steeper slopes.

[23] The lower elevations of the Wasatch Front are semi-arid and the seasonal dry period for the Wasatch Front is June, July, and August.

[24] Examples of permanent non-vegetative stabilization measures include riprap, gravel, gabions, and geotextiles.

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and oils, from these activities;[25]

b. If applicable, comply with the Spill Prevention Control and Countermeasures (SPCC) requirements in 40 C.F.R. 112 and Section 311 of the CWA;

c. Ensure adequate supplies are available at all times to handle spills, leaks, and disposal of used liquids;

d. Use drip pans and absorbents under or around leaky vehicles;

e. Dispose of or recycle oil and oily wastes in accordance with other Federal, State, Tribal, or local requirements; and

f. Clean up spills or contaminated surfaces immediately, using dry clean up measures (do not clean contaminated surfaces by hosing the area down), and eliminate the source of the spill to prevent a discharge or a continuation of an ongoing discharge.

2.3.2 For equipment and vehicle washing:

a. Provide an effective means of minimizing the discharge of pollutants from equipment and vehicle washing, wheel wash water, and other types of wash waters;[26]

b. Ensure there is no discharge of soaps, solvents, or detergents in equipment and vehicle wash water; and

c. For storage of soaps, detergents, or solvents, provide either (1) cover (e.g., plastic sheeting, temporary roofs) to minimize the exposure of these detergents to precipitation and to storm water, or (2) a similarly effective means designed to minimize the discharge of pollutants from these areas.

2.3.3 For storage, handling, and disposal of building products and materials:

a. For building materials and building products,[27] provide either (1) cover (e.g., plastic sheeting, temporary roofs) to minimize the exposure of these products to precipitation and to storm water, or (2) a similarly effective means designed to minimize the discharge of pollutants from these areas.

Exception: You may choose not to minimize exposure in cases where the exposure to precipitation and to storm water will not result in a discharge of pollutants, or where exposure of a specific material or product poses little risk of storm water contamination (such as final products and materials intended

[25] Examples of effective means include:

- Locating activities away from waters of the state and storm drain inlets, and constructed or natural drainage features, and directing wash waters to a sediment basin or sediment trap, using filtration devices, such as filter bags or sand filters, or using other similarly effective controls.
- Providing secondary containment (e.g., spill berms, dikes, spill containment pallets) and cover where appropriate; and
- Having a spill kit available on site and ensuring personnel are available to respond expeditiously in the event of a leak or spill.

[26] Examples of effective means include locating activities away from waters of the state and storm water inlets or conveyances and directing wash waters to a sediment basin or sediment trap, using filtration devices, such as filter bags or sand filters, or using other similarly effective controls.

[27] Examples of building materials and building products typically present at construction sites include asphalt sealants, copper flashing, roofing materials, adhesives, concrete admixtures, and gravel and mulch stockpiles.

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for outdoor use).

b. **For pesticides, herbicides, insecticides, fertilizers, and landscape materials:**

(1) In storage areas, provide either (1) cover (e.g., plastic sheeting, temporary roofs) to minimize the exposure of these chemicals to precipitation and to storm water, or (2) a similarly effective means designed to minimize the discharge of pollutants from these areas; and

(2) Comply with all application and disposal requirements included on the registered pesticide, herbicide, insecticide, and fertilizer label (see also Part 2.3.5).

c. **For diesel fuel, oil, hydraulic fluids, other petroleum products, and other chemicals:**

The following requirements apply to the storage and handling of chemicals on your site. If you are already implementing controls as part of an SPCC or other spill prevention plan that meet or exceed the requirements of this Part, you may continue to do so and be in compliance with these provisions provided you reference the applicable parts of the SPCC or other plans in your SWPPP as required in Part 7.3.5.b(7).

(1) If any chemical container has a storage capacity of less than 55 gallons:

(i) The containers must be water-tight, and kept closed, sealed, and secured when not actively used;

(ii) If stored outside, use a spill containment pallet or similar device to capture small leaks or spills; and

(iii) Have a spill kit available on site that is in good working condition (i.e. not damaged, expired, or used up) and ensure personnel are available to respond immediately in the event of a leak or spill.

(2) If any chemical container has a storage capacity of 55 gallons or more:

(i) The containers must be water-tight, and kept closed, sealed, and secured when not actively used;

(ii) Store containers a minimum of 50 feet from receiving waters, constructed or natural site drainage features, and storm drain inlets. If infeasible due to site constraints, store containers as far away from these features as the site permits. If site constraints prevent you from storing containers 50 feet away from receiving waters or the other features identified, you must document in your SWPPP the specific reasons why the 50-foot setback is infeasible, and how you will store containers as far away as the site permits;

(iii) Provide either (1) cover (e.g., temporary roofs) to minimize the exposure of these containers to precipitation and to stormwater, or (2) secondary containment (e.g., curbing, spill berms, dikes, spill containment pallets, double-wall, above-ground storage tank); and

(iv) Have a spill kit available on site that is in good working condition (i.e., not damaged, expired, or used up) and ensure personnel are available to respond immediately in the event of a leak or spill. You can find additional secondary containment measures listed in 40 C.F.R. 112.7(c)(1).

(3) Clean up spills immediately, using dry clean-up methods where possible, and dispose of used materials properly. You may not hose the area down to clean surfaces or spills. Eliminate the

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source of the spill to prevent a discharge or a furtherance of an ongoing discharge.

d. **For hazardous or toxic wastes:**[28]

(1) Separate hazardous or toxic waste from construction and domestic waste;

Store waste in sealed containers, constructed of suitable materials to prevent leakage and corrosion, and labeled in accordance with applicable Resource Conservation and Recovery Act (RCRA) requirements and all other applicable federal, state, tribal, or local requirements;

(2) Store all outside containers within appropriately-sized secondary containment (e.g., spill berms, dikes, spill containment pallets) to prevent the discharge of spills, or provide a similarly effective means designed to prevent the discharge of pollutants from these areas (e.g., storing chemicals in a covered area, having a spill kit available on site);

(3) Dispose of hazardous or toxic waste in accordance with the manufacturer's recommended method of disposal and in compliance with Federal, State, Tribal, and local requirements;

(4) Clean up spills immediately, using dry clean-up methods, and dispose of used materials properly. Do not hose the area down to clean surfaces or spills. Eliminate the source of the spill to prevent a discharge or a furtherance of an ongoing discharge; and

(5) Follow all other federal, state, tribal, and local requirements regarding hazardous or toxic waste.

e. **For construction and domestic wastes:**[29]

(1) Provide waste containers (e.g., dumpster, trash receptacle) of sufficient size and number to contain construction and domestic wastes;

(2) Provide containment or cover for waste that is blowable or that can leach nutrients, metals, pesticides, herbicides, oil, grease, bacteria, or other pollutants;

(3) On business days, clean up and dispose of waste in designated waste containers; and

(4) Clean up immediately if containers overflow.

f. **For sanitary waste**, position portable toilets so they are secure and will not tip or knock over. Locate them away from waters of the state and, when possible, at least 10 feet from any constructed or natural site drainage features, inlet, curb and gutter, or conduit to a waterway. If it is not possible to maintain at least 10 feet of separation, evaluate the need for additional controls such as secondary containment, additional surface preparation, or berms and implement as appropriate.

2.3.4 For washing applicators and containers used for stucco, paint, concrete, form release oils, curing compounds, or other materials:

a. Direct wash water into a leak-proof container or leak-proof and lined pit designed so that no overflows can occur due to inadequate sizing or precipitation;

b. Handle washout or cleanout wastes as follows:

[28] Examples of hazardous or toxic waste that may be present at construction sites include paints, caulks, sealants, fluorescent light ballasts, solvents, petroleum-based products, wood preservatives, additives, curing compounds, and acids.

[29] Examples of construction and domestic waste include packaging materials, scrap construction materials, masonry products, timber, pipe and electrical cuttings, plastics, styrofoam, concrete, demolition debris; and other trash or discarded materials.

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(1) For liquid wastes:

(i) Do not dump liquid wastes or allow them to enter into constructed or natural site drainage features, storm drain inlets, or waters of the state; and

(ii) Do not dispose of liquid wastes through infiltration or otherwise on the ground.[30]

(2) Remove and dispose of hardened concrete waste consistent with your handling of other construction wastes in Part 2.3.3.[31]

c. Locate any washout or cleanout activities as far away as possible from waters of the state, constructed or natural site drainage features, and storm drain inlets, and, to the extent feasible, designate areas for these activities and conduct such activities only in these areas.

2.3.5 For the application of fertilizers:

a. Apply at a rate and in amounts consistent with manufacturer's specifications, or document in the SWPPP departures from the manufacturer specifications where appropriate in accordance with Part 7.3.5.b(9);

b. Apply at the appropriate time of year for your location, and preferably timed to coincide as closely as possible to the period of maximum vegetation uptake and growth;

c. Avoid applying before heavy rains that could cause the discharge of excess nutrients;

d. Never apply to frozen ground;

e. Never apply to constructed or natural site drainage features; and

f. Follow all other Federal, State, Tribal, and local requirements regarding fertilizer application.

2.3.6 Emergency Spill Notification Requirements: Do not allow discharges of toxic or hazardous substances from a spill or other release (see Part 1.3). Where a leak, spill, or other release containing a hazardous substance or oil in an amount equal to or in excess of a reportable quantity established under either 40 C.F.R. 110, 40 C.F.R. 117, or 40 C.F.R. 302 occurs during a 24-hour period, you must notify the National Response Center (NRC) at (800) 424-8802 in accordance with the requirements of 40 C.F.R. 110, 40 C.F.R. 117, and 40 C.F.R. 302 as soon as you have knowledge of the release. You must also, within seven (7) calendar days of knowledge of the release, provide a description of the release, the circumstances leading to the release, and the date of the release. State, Tribal, or local requirements may necessitate additional reporting of spills or discharges to local emergency response, public health, or drinking water supply agencies.

2.3.7 Construction Dewatering Requirements: To remove water or accumulated storm water from excavations, trenches, foundations, vaults, or other similar points of accumulation you must obtain coverage under the UPDES permit UTG070000 (UPDES Construction Dewatering and Hydrostatic Test Permit) in accordance with Part 1.2.4, unless you can manage it on site. An option for on site management

[30] Proper disposal of liquid waste may include 1) evaporating the waste and disposing of the residual solids with other solid waste, 2) having a liquid waste hauler for wash water haul it off site and dispose of it, or 3) settling it and pretreating it, if necessary, with arrangements to discharge the liquid waste to a treatment plant that has the ability to treat it and dispose of it.

[31] Hardened concrete waste refers to solid concrete removed from washout containment and does not include other concrete products (e.g., broken sidewalk, concrete pipe, etc.) that may be used on site during a later construction phase or will be disposed of in the future.

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is percolation of the water back into the ground (assuming it is uncontaminated).

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3. WATER QUALITY-BASED EFFLUENT LIMITATIONS

3.1 GENERAL EFFLUENT LIMITATION TO MEET APPLICABLE WATER QUALITY STANDARDS

You must control discharges as necessary to meet applicable water quality standards. DWQ expects that compliance with the conditions in this Permit will result in storm water discharges being controlled as necessary to meet applicable water quality standards. If at any time you become aware, or DWQ determines, that you are not controlling discharges as necessary to meet applicable water quality standards, you must take corrective action as required in Part 5.1 and Part 5.2, and document the corrective actions as required in Part 5.4.

DWQ may insist that you install additional controls on a site-specific basis, or require you to obtain coverage under an individual permit, if information in your NOI or from other sources indicates that you are not controlling discharges as necessary to meet applicable water quality standards. This includes situations where additional controls are necessary to comply with a wasteload allocation in an EPA-established or approved TMDL.

3.2 WATER QUALITY-BASED CONDITIONS FOR SITES DISCHARGING TO CERTAIN IMPAIRED AND HIGH-QUALITY RECEIVING WATERS

The NOI process requires that you determine if the watershed to which you discharge is impaired or considered high quality. When determining if your discharge enters an impaired or high-quality waterbody, the only surface water used is the first one to which you discharge. For discharges that enter a storm water system prior to discharge, the first water of the state to which you discharge is the waterbody that receives the storm water discharge from the storm sewer system. Please refer to water quality information at https://enviro.deq.utah.gov/.

Each of these cases, impaired or high quality, may require an extra effort to maintain water quality standards. An impaired water body can have an approved TMDL (see Part 10 for definitions) or it can be on the list waiting a TMDL study. An EPA-approved TMDL is a water quality standard. If your project is in an area covered by an EPA-approved TMDL that has sediment or nutrients (particularly phosphorus) identified as the pollutant(s) of concern, you must provide an extra effort to prevent sediment from leaving the site. Nutrients are a component in topsoil from natural biotic systems. Nitrogen (a nutrient) is infused into the soil from biotic systems but also at times from the atmosphere during certain weather conditions. Some soils have phosphorus (a nutrient) from geologic formations in addition to biotic sources. Special efforts including site controls and management efforts must be employed for impaired or high-quality waters, but especially for areas with TMDLs identifying sediment or nutrients as the pollutants of concern. Your SWPPP must show the special efforts you are taking for sensitive water bodies.

For any portion of the site that discharges to a sediment or nutrient-impaired water or to a water identified as impaired or high-quality[32] you must comply with the inspection frequency specified in Part 4.2 and you

[32] Your construction site will be considered to discharge to an impaired or high-quality water if the first water you discharge into is an impaired or high-quality water for the pollutants contained in the discharge from your site. For discharges that enter a storm sewer system prior to discharge, the first water to which you discharge is the waterbody that receives the storm water discharge from the storm sewer system.

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must comply with the stabilization deadline specified in Part 2.2.14.[33]

If you discharge to a water impaired for a parameter other than sediment or nutrients, you must address that parameter in your SWPPP if that pollutant has a presence in the construction process for your site. If the impaired parameter is naturally occurring in soils, the erosion control practices required by this Permit should address the concern and you do not need to address it in the SWPPP as a pollutant source. You must deploy whatever control mechanisms are needed to limit the discharge of that pollutant to meet water quality standards. This includes, if requested by DWQ, testing the load discharged from the site for that pollutant to ensure it does not exceed a wasteload allocation for that pollutant in the applicable TMDL for the watershed.

If you discharge to a water impaired for polychlorinated biphenyls (PCBs) and are engaging in demolition of any structure with at least 10,000 square feet of floor space built or renovated before January 1, 1980, you must:

3.2.1 Implement controls[34] to minimize the exposure of PCB-containing building materials, including paint, caulk, and pre-1980 fluorescent lighting fixtures, to precipitation and to stormwater; and

3.2.2 Ensure that disposal of such materials is performed in compliance with applicable State, Federal, and local laws.

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[33] If you qualify for any of the reduced inspection frequencies in Part 4.4, you may conduct inspections in accordance with Part 4.4 for any portion of your site that discharges to impaired and high-quality receiving waters.

[34] Examples of controls to minimize exposure of PCBs to precipitation and stormwater include separating work areas from non-work areas and selecting appropriate personal protective equipment and tools, constructing a containment area so that all dust or debris generated by the work remains within the protected area, and using tools that minimize dust and heat (<212°F).

4. SITE INSPECTION REQUIREMENTS

4.1 PERSON(S) RESPONSIBLE FOR CONDUCTING SITE INSPECTIONS

The person(s) inspecting your site may be a person on your staff or a third party you hire to conduct such inspections. You are responsible for ensuring that any person conducting inspections pursuant to this Part is a "qualified person." A qualified person is someone who has completed the training required by Part 6.3.

4.2 FREQUENCY OF INSPECTIONS

At a minimum, you must conduct a site inspection in accordance with one of the two schedules listed below, unless you are subject to the Part 4.3 site inspection frequency for discharges to sediment or nutrient-impaired or high-quality waters or qualify for a Part 4.4 reduction in the inspection frequency:[35]

4.2.1 At least once every seven (7) calendar days; or

4.2.2 Once every 14 calendar days and within 24 hours of the occurrence of:

a. A storm event that produces 0.50 inches or more of rain within a 24-hour period.

(1) If a storm event produces 0.5 inches or more of rain within a 24-hour period (including when there are multiple, smaller storms that alone produce less than 0.5 inches but together produce 0.5 inches or more in 24 hours), you must conduct one inspection within 24 hours of when 0.5 inches of rain or more has fallen.

(2) If a storm event produces 0.5 inches or more of rain within a 24-hour period on the first day of a storm and continues to produce 0.5 inches or more of rain on subsequent days, you must conduct an inspection within 24 hours of the first day of the storm and within 24 hours after the last day of the storm that produces 0.5 inches or more of rain (i.e. only two inspections would be required for such a storm event).[36]

b. Runoff from snowmelt sufficient to cause a discharge.

4.2.3 To determine whether a storm event meets the thresholds in Parts 4.2.2:

a. For rain, you must either keep a properly maintained rain gauge on your site, or obtain the storm event information from a weather station that is representative of your location. For any 24-hour period during which there is 0.50 inches or more of rainfall, you must record the total rainfall measured for that day in accordance with Part 4.7.1.e.

4.3 INCREASE IN INSPECTION FREQUENCY FOR CERTAIN SITES

The increased inspection frequencies established in this Part take the place of the Part 4.2 inspection frequencies for the portion of the site affected

4.3.1 **For any portion of the site that discharges to a sediment or nutrient- impaired water or to a high-quality water (see Part 3.2)**, you must conduct an inspection once every seven (7) calendar days and within 24 hours of the occurrence of a storm event that produces 0.50 inches or more of rain within a

[35] Inspections are only required during the site's normal working hours.

[36] For example, if 0.60 inches of rain falls on Day 1, 0.5 inches on Day 2, and 0.25 inches of rain fall on Day 3, you would be required to conduct a first inspection within 24 hours of the Day 1 rainfall and a second inspection within 24 hours of the Day 2 rainfall, but a third inspection would not be required within 24 hours of the Day 3 rainfall.

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24-hour period, or within 24 hours of a snowmelt sufficient to cause a discharge.

Refer to Part 4.2.3 for the requirements to determine if a storm event produces enough rain to trigger the inspection requirement.

4.4 REDUCTIONS IN INSPECTION FREQUENCY

4.4.1 Stabilized Areas

a. **Temporarily Stabilized Areas**. You may reduce the frequency of inspections to twice per month for the first month, no more than 14 calendar days apart, then once per month until you terminate Permit coverage consistent with Part 8 in any area of your site where you have completed the stabilization steps outlined in Part 2.2.14. If construction activity resumes in this portion of the site at a later date, the inspection frequency immediately increases to that required in Parts 4.2 and 4.3, as applicable. You must document the beginning and ending dates of this period in your SWPPP.

b. **Permanently Stabilized Areas.** You may suspend inspections requirements.

c. **Exception For "Linear Construction Projects"** (as defined in Part 10) where disturbed portions have undergone final stabilization at the same time active construction continues on others, you may reduce the frequency of inspections to twice per month for the first month, no more than 14 calendar days apart, in any area of your site where you have completed the stabilization steps in Part 2.2.14. After the first month, inspect once more within 24 hours of the occurrence of a storm event that produces 0.50 inches of rain or more within a 24-hour period, or within 24 hours of a snowmelt sufficient to cause a discharge. If there are no issues or evidence of stabilization problems, you may suspend further inspections. If you observe wash-out of stabilization materials and/or sediment, following re-stabilization, inspections must resume at the inspection frequency required in Part 4.4.1.a. Inspections must continue until you visually confirm the final stabilization following a storm event that produces 0.50 inches of rain or more within a 24-hour period.

4.4.2 Arid, Semi-Arid, or Drought-Stricken Areas (as defined in Part 10). If it is the seasonally dry period (as defined in Part 10) or a period in which drought is occurring, you may reduce the frequency of inspections to once per month and within 24 hours of the occurrence of a storm event that produces 0.5 inches of rain or more within a 24-hour period, or within 24 hours of a snowmelt sufficient to cause a discharge. You must document that you are using this reduced schedule and the beginning and ending dates of the seasonally dry period in your SWPPP. Follow the procedures in Part 4.2.3 to determine if a storm event occurs that produces 0.50 inches or more of rain within a 24-hour period. For any 24-hour period during which there is 0.5 inches or more of rainfall, you must record that total rainfall measured for that day in accordance with Part 4.7.1.e.

4.4.3 Frozen conditions

a. If you are suspending construction activities due to frozen conditions, you may temporarily suspend inspections on your site until thawing conditions (as defined in Part 10) begin to occur if:

(1) Discharges are unlikely due to continuous frozen conditions that are likely to continue at your site for at least three (3) months based on historic seasonal averages. If unexpected weather conditions (such as above freezing temperatures or rain events) make discharges likely, you must immediately resume your regular inspection frequency as described in Part 4.2 and Part 4.3, as applicable;

(2) You have suspended land disturbances; and

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(3) You have stabilized disturbed areas of the site, where possible, in accordance with Part 2.2.14.

b. If you are still conducting construction activities during frozen conditions, you may reduce your inspection frequency to once per month if:

(1) Discharges are unlikely due to continuous frozen conditions that are likely to continue at your site for at least three (3) months based on historic seasonal averages. If unexpected weather conditions (such as above freezing temperatures or rain events) make discharges likely, you must immediately resume your regular inspection frequency as described in Part 4.2 and Part 4.3, as applicable; and

(2) Except for areas in which you are actively conducting construction activities, you have stabilized disturbed areas of the site in accordance with Part 2.2.14.

You must document the beginning and ending dates of this period in your SWPPP.

4.5 AREAS THAT MUST BE INSPECTED

During your site inspection, you must at a minimum inspect the following areas of your site:

4.5.1 All cleared, graded, or excavated areas that have not yet completed stabilization consistent with Part 2.2.14;

4.5.2 All storm water controls, including pollution prevention controls, installed at the site to comply with this Permit;[37]

4.5.3 Material, waste, borrow, and equipment storage and maintenance areas covered by this Permit;

4.5.4 All areas where storm water typically flows within the site, including constructed or natural site drainage features designed to divert, convey, and/or treat storm water;

4.5.5 All points of discharge from the site; and

4.5.6 All locations where you have implemented stabilization measures.

You may choose not to inspect areas that, at the time of the inspection, may be unsafe to your inspection personnel.

4.6 REQUIREMENTS FOR INSPECTIONS

During each site inspection, you must at a minimum:

4.6.1 Check whether all storm water controls (i.e., erosion and sediment controls and pollution prevention controls) are properly installed, appear to be operational, and are working as intended to minimize pollutant discharges. Consider what has caused a BMP's failure if it is not operational;

4.6.2 Check for the presence of conditions that could lead to spills, leaks, or other accumulations of pollutants on the site;

4.6.3 Identify any locations where new or modified storm water controls are necessary to meet the requirements of Part 2 and/or Part 3;

4.6.4 Check for signs of visible erosion and sedimentation (i.e., sediment deposits) that have occurred and are

[37] This includes the requirement to inspect for sediment that has been tracked out from the site onto paved roads, sidewalks, or other paved areas consistent with Part 2.2.4.

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attributable to your discharge at points of discharge and, if applicable, on the banks of any waters of the state flowing within or immediately adjacent to the site;

4.6.5 Check for signs of sediment deposition that are visible from your site and attributable to your discharge (e.g., sand bars with no vegetation growing on top in receiving waters or in other constructed or natural site drainage features, or the buildup of sediment deposits on nearby streets, curbs, or open conveyance channels).

4.6.6 Identify any incidents of noncompliance observed;

4.6.7 If a discharge is occurring during your inspection:

a. Identify all discharge points at the site; and

b. Observe and document the visual quality of the discharge, and take note of the characteristics of the storm water discharge, including color; odor; floating, settled, or suspended solids; foam; oil sheen; and other indicators of storm water pollutants. Check also for signs of these same pollutant characteristics that are visible from your site and attributable to your discharge in receiving waters or in other constructed or natural site drainage features.

4.6.8 Based on the results of your inspection:

a. Complete any necessary maintenance repairs or replacements under Part 2.1.4 or under Part 5, whichever applies; and

b. Modify your SWPPP site map in accordance with Part 7.5.1 to reflect changes made to your stormwater controls that vary from the current site map.

4.7 INSPECTION REPORT

4.7.1 You must complete an inspection report within 24 hours of completing any site inspection.[38] Each inspection report must include the following:

a. The inspection date;

b. The UPDES Permit tracking number;

c. Names and titles of personnel making the inspection;

d. A summary of your inspection findings, covering at a minimum the observations you made in accordance with Part 4.6, including any problems found during your inspection that make it necessary to perform routine maintenance pursuant to Part 2.1.4.b or corrective action pursuant to Part 5. Include also any documentation as to why the corrective action procedures under Part 5 are unnecessary to fix a problem that repeatedly occurs as described in Part 2.1.4.c;

e. If you are inspecting your site at the frequency specified in Part 4.2.2, Part 4.3, or Part 4.4.2 and you conducted an inspection because of a storm event that produced rainfall measuring 0.50 inches or more within a 24-hour period, you must include the applicable rain gauge or weather station readings that triggered the inspection; and

f. If you determined that it is unsafe to inspect a portion of your site, you must describe the reason you found it to be unsafe and specify the locations to which this condition applies.

[38] See DWQ construction storm water web page for ideas and examples of self-inspection forms.

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4.7.2 You must sign each inspection report in accordance with Part 9.9.2 of this Permit.

4.7.3 You must keep a copy, in paper or electronic form, of all inspection reports at the site or at an easily accessible location, so you can immediately make it available at the time of an on-site inspection or upon request by DWQ, a local municipality of jurisdiction, or by the EPA.

4.7.4 You must retain all inspection reports completed for this Part for at least three (3) years from the date that your Permit coverage expires or you terminate coverage.

4.8 INSPECTIONS BY DWQ, MS4, OR EPA

You must allow an authorized representative of DWQ, the MS4 of jurisdiction, or the EPA to conduct the following activities at reasonable times. To the extent that you are utilizing shared controls that are not on site, to comply with this Permit, you must make arrangements for DWQ to have access at all reasonable times to those areas where the shared controls are located.

4.8.1 Enter onto all areas of the site, including any construction support activity areas covered by this Permit, any off-site areas where you utilize shared controls to comply with this Permit, discharge locations, adjoining waterbodies, and locations where you keep records under the conditions of this Permit;

4.8.2 Access and copy any records you must keep under the conditions of this Permit;

4.8.3 Inspect your construction site, including any construction support activity areas covered by this Permit (see Part 1.2.1.b), any storm water controls installed and maintained at the site, and any off- site shared controls utilized to comply with this Permit; and

4.8.4 Sample or monitor for the purpose of ensuring compliance.

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5. CORRECTIVE ACTIONS

5.1 CONDITIONS TRIGGERING CORRECTIVE ACTION

You must take corrective action to address any of the following conditions identified at your site:

5.1.1 A stormwater control needs a significant repair or a new or replacement control is needed, or, in accordance with Part 2.1.4.c, you find it necessary to repeatedly (i.e., three (3) or more times) conduct the same routine maintenance fix to the same control at the same location (unless you document in your inspection report under Part 4.7.1.d that the specific reoccurrence of this same problem should still be addressed as a routine maintenance fix under Part 2.1.4); or

5.1.2 You never installed a storm water control necessary to comply with the requirements of this Permit, or you installed it incorrectly; or

5.1.3 Your discharges are not meeting applicable water quality standards; or

5.1.4 A prohibited discharge has occurred (see Part 1.3).

5.2 CORRECTIVE ACTION DEADLINES

If responding to any of the Part 5.1 triggering conditions, you must:

5.2.1 Immediately take all reasonable steps to address the condition, including cleaning up any contaminated surfaces so the material will not discharge in subsequent storm events; and

5.2.2 When the problem does not require a new or replacement control or significant repair, you must complete the corrective action by the close of the next business day; or

5.2.3 When the problem requires a new or replacement control or significant repair, install the new or modified control and make it operational, or complete the repair, by no later than seven (7) calendar days from the time of discovery. If it is infeasible to complete the installation or repair within seven (7) calendar days (e.g., due to availability of materials, excessive costs to expedite shipping or activities, or lengthy installation times) you must document in your records why it is infeasible to complete the installation or repair within the 7-day timeframe and document your schedule for installing the stormwater control(s) and making it operational as soon as feasible after the 7-day timeframe.

5.3 CORRECTIVE ACTION REQUIRED BY DWQ

You must comply with any corrective actions required by DWQ as a result of Permit violations found during an inspection carried out under Part 4.8.

5.4 CORRECTIVE ACTION LOG

5.4.1 For each corrective action taken in accordance with this Part, you must record the following in a corrective action log:

a. Within 24 hours of identifying the corrective action condition, document the specific condition and the date and time you identified it; and

b. Within 24 hours of the observed completion of a corrective action and in accordance with the deadlines in Part 5.2, document actions taken to address the condition, including the date and whether any SWPPP modifications are required.

5.4.2 You must sign (or electronically sign) each entry into the corrective action log, consisting of the information required by Part 5.4.1, in accordance with Part 9.9.2 of this Permit.

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5.4.3 Where these actions result in changes to any of the storm water controls or procedures documented in your SWPPP, you must modify your SWPPP (and SWPPP map) accordingly within seven (7) calendar days of completing this work.

5.4.4 You must keep a copy of the corrective action log with the SWPPP at the site or at an easily accessible location, so that you can make it immediately available at the time of an on-site inspection or upon request by DWQ. You may maintain corrective action logs and make them available in paper or electronic format (see Part 7.4.1).

5.4.5 You must retain the corrective action log completed for this Part for at least three (3) years from the date that your Permit coverage expires or you terminated coverage.

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6. STORM WATER TEAM FORMATION/STAFF TRAINING REQUIREMENTS

6.1 STORM WATER TEAM

Each operator, or group of multiple operators, must assemble a "storm water team" that will be responsible for carrying out activities necessary to comply with this Permit. The storm water team must include the following people:

6.1.1 Personnel who are responsible for the design, installation, maintenance, and/or repair of storm water controls (including pollution prevention controls);

6.1.2 Personnel responsible for the application and storage of treatment chemicals (if applicable);

6.1.3 Personnel who are responsible for conducting inspections as required in Part 4.1; and

6.1.4 Personnel who are responsible for taking corrective actions as required in Part 5.

You must identify members of the stormwater team in the SWPPP pursuant to Part 7.3.1.

6.2 GENERAL TRAINING REQUIREMENTS FOR STORM WATER TEAM MEMBERS

Prior to the commencement of construction activities, you must ensure that all persons[39] assigned to the storm water team understand the requirements of this Permit and their specific responsibilities with respect to those requirements, including the following related to the scope of their job duties:

6.2.1 The Permit requirements and deadlines associated with installation, maintenance, and removal of storm water controls, as well as site stabilization;

6.2.2 The location of all storm water controls on the site required by this Permit and how you are to maintain them;

6.2.3 The proper procedures to follow with respect to the Permit's pollution prevention requirements; and

6.2.4 When and how to conduct inspections, record applicable findings, and take corrective actions. You can find specific training requirements for persons conducting site inspections in Part 6.3.

You are responsible for ensuring that all activities on the site comply with the requirements of this Permit. You may choose not to provide formal training for subcontractors or other outside service providers, but you must ensure that such personnel understand any requirements of this Permit that the work they perform may affect.

6.3 TRAINING REQUIREMENTS FOR PERSONS CONDUCTING INSPECTIONS

A qualified person under Part 4.1 for conducting inspections under Part 4 must, at a minimum, either:

6.3.1 Have completed a training program that properly trains on the principles and practices of erosion and sediment controls and pollution prevention, the skills to assess conditions at the construction site that could impact storm water quality, and the skills to assess the effectiveness of any storm water controls selected and installed to meet the requirements of this Permit, such as but not limited to the following:

a. Utah Registered Storm Water Inspector (RSI);

[39] If the person requiring training is a new employee who starts after you commence construction activities, you must ensure that this person has the proper understanding as required above prior to assuming particular responsibilities related to compliance with this Permit.

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b. Certified Professional in Erosion and Sediment Control (CPESC);

c. Certified Professional in Storm Water Quality (CPSWQ);

d. Certified Erosion, Sediment, and Storm Water Inspector (CESSWI);

e. Certified Inspector of Sediment and Erosion Control (CISEC);

f. National Institute for Certification in Engineering Technologies, Erosion and Sediment Control, Level 3 (NICET);

g. Utah Department of Transportation Environmental Control Supervisor (ECS) (For UDOT Projects Only);

h. Certified Stormwater Inspector Construction (CSI-Construction);

i. Qualified Compliance Inspector of Stormwater (QCIS); or

j. EPA NPDES Construction General Permit Inspector Training.

6.3.2 Hold a current valid construction inspection certification or license from a program that, at a minimum, covers the following:

a. Principles and practices of erosion and sediment control and pollution prevention practices at construction sites;

b. Proper installation and maintenance of erosion and sediment controls and pollution prevention practices used at construction sites; and

c. Performance of inspections, including the proper completion of required reports and documentation, consistent with the requirements of Part 4.

6.4 STORMWATER TEAM'S ACCESS TO PERMIT DOCUMENTS

Each member of the storm water team must have easy access to an electronic or paper copy of applicable portions of this Permit, the most updated copy of your SWPPP, and other relevant documents or information that you must keep with the SWPPP.

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7. STORM WATER POLLUTION PREVENTION PLAN (SWPPP)

7.1 GENERAL REQUIREMENTS

All operators associated with a construction site under this Permit must develop a SWPPP consistent with the requirements in Part 7 prior to their submittal of the NOI.[40] You must keep the SWPPP up-to-date throughout coverage under this Permit.

If a SWPPP was prepared under a previous version of this Permit, the operator must review and update the SWPPP to ensure that you address this Permit's requirements prior to submitting an NOI for coverage under this Permit.

7.2 SWPPP WRITER/REVIEWER CERTIFICATION REQUIREMENT

A "qualified" SWPPP writer must write or certify SWPPPs for all projects disturbing greater than 5 acres, including small construction projects (1 to 5 acres) having a perennial surface water within 50 feet of the project, or having a steep slope (70% or 35 degrees or more) with an elevation change from the slope of 10 feet or more (at any point during the time of construction – not including stock piles).

7.2.1 A "qualified" SWPPP writer is knowledgeable in the principles and practices considered in the development of a SWPPP. Acceptable qualifications include:

a. Utah Registered SWPPP Writer (RSW);

b. Licensed Professional Engineer (PE) in a related field or Professional Geologist (PG);

c. Certified Professional in Erosion and Sediment Control (CPESC);

d. Certified Professional in Storm Water Quality (CPSWQ); or

e. National Institute for Certification in Engineering Technologies, Erosion and Sediment Control, Level 3 (NICET).

7.3 SWPPP CONTENTS

At a minimum, the SWPPP must include the information specified in this Part and as specified in other parts of this Permit.

7.3.1 **Storm Water Team**. Identify the personnel (by name and position) that you have made part of the storm water team pursuant to Part 6.1, as well as their individual responsibilities, including which members are responsible for conducting inspections. Include documentation that members of the stormwater team responsible for conducting inspections pursuant to Part 4 have received the training required by Part 6.3.

7.3.2 **Nature of Construction Activities**.[41] Include the following:

a. A description of the nature of your construction activities, including the age or dates of past renovations for structures that are undergoing demolition;

[40] The SWPPP does not establish the effluent limits that apply to your site's discharges; these limits are established in this Permit in Parts 2 and 3.

[41] If plans change due to unforeseen circumstances or for other reasons, the requirement to describe the sequence and estimated dates of construction activities is not meant to "lock in" the operator to meeting these dates. When departures from initial projections are necessary, this should be documented in the SWPPP itself, or in associated records, as appropriate.

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b. The size of the property (in acres or length in miles if a linear construction site);

c. The total area expected to be disturbed by the construction activities including on-site and off- site construction support activity areas (to the nearest quarter acre or nearest quarter mile if a linear construction site);

d. A description of any on-site and off-site construction support activity areas covered by this Permit (see Part 1.2.1.b);

e. A description and projected schedule for the following:

(1) Commencement of construction activities in each portion of the site, including clearing and grubbing, mass grading, demolition activities, site preparation (i.e., excavating, cutting and filling), final grading, and creation of soil and vegetation stockpiles requiring stabilization;

(2) Temporary or permanent cessation of construction activities in each portion of the site;

(3) Temporary or final stabilization of exposed areas for each portion of the site; and

(4) Removal of temporary storm water controls and construction equipment or vehicles, and the cessation of construction-related pollutant-generating activities.

f. A list and description of all pollutant-generating activities[42] on the site. For each pollutant- generating activity, include an inventory of pollutants or pollutant constituents (e.g., sediment, fertilizers, pesticides, paints, caulks, sealants, fluorescent light ballasts, contaminated substrates, solvents, fuels) associated with that activity, which could be discharged in storm water from your construction site. You must consider where potential spills and leaks might occur that could contribute pollutants to storm water discharges, and any known hazardous or toxic substances, such as PCBs and asbestos, that you will disturb or remove during construction; and

g. Business days and hours for the project.

7.3.3 Site Map. Include a legible map, or series of maps, showing the following features of the site:

a. Boundaries of the property;

b. Locations where construction activities will occur, including:

(1) Locations where earth-disturbing activities will occur (note any phasing), including any demolition activities;

(2) Approximate slopes before and after major grading activities (note any steep slopes (as defined in Part 10));

(3) Locations where you will stockpile sediment, soil, or other construction materials;

(4) Any water of the state crossings;

(5) Designated points where vehicles will exit onto paved roads;

(6) Locations of structures and other impervious surfaces upon completion of construction; and

(7) Locations of on-site and off-site construction support activity areas covered by this Permit (see

[42] Examples of pollutant-generating activities include paving operations; concrete, paint, and stucco washout and waste disposal; solid waste storage and disposal; and dewatering operations.

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Part 1.2.1.b).

c. Locations of all waters of the state within the site and all waters of the state within one mile downstream of the site's discharge point(s). Also identify if any of these waters of the state are impaired or high-quality water;

d. Type and extent of pre-construction cover on the site (e.g., vegetative cover, forest, pasture, pavement, structures);

e. Drainage patterns of storm water and authorized non-storm water before and after major grading activities;

f. Storm water and authorized non-storm water discharge locations, including:

(1) Locations where storm water and/or authorized non-storm water will discharge to storm drain inlets;[43] and

(2) Locations where storm water or authorized non-storm water will discharge directly to waters of the state.

g. Locations of all potential pollutant-generating activities identified in Part 7.3.2.f;

h. Locations of storm water controls, including natural buffer areas and any shared controls utilized to comply with this Permit; and

i. Locations where you will use and store polymers, flocculants, or other treatment chemicals.

7.3.4 Non-Storm water Discharges. Identify all authorized non-storm water discharges in Part 1.2.2 that will or may occur.

7.3.5 Description of Storm water Controls.

a. For each of the Part 2.2 erosion and sediment control requirements and Part 2.3 pollution prevention requirements, applicable to your site, you must include the following:

(1) A description of the specific control(s) you will implement to meet these requirements;

(2) The design specifications for controls described in Part 7.3.5.a(1) (including references to any manufacturer specifications and/or erosion and sediment control manuals/ordinances relied upon);[44]

(3) Routine storm water control maintenance specifications; and

(4) The projected schedule for storm water control installation/implementation.

b. You must also include any of the following additional information as applicable.

(1) **Natural buffers** and/or equivalent sediment controls (see Part 2.2.1 and Part 10). You must include the following:

[43] The requirement to show storm drain inlets in the immediate vicinity of the site on your site map only applies to those inlets that are easily identifiable from your site or from a publicly accessible area immediately adjacent to your site.

[44] Design specifications may be found in manufacturer specifications and/or in applicable erosion and sediment control manuals or ordinances. Any departures from such specifications must reflect good engineering practice and must be explained in the SWPPP.

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(i) The compliance alternative you will implement;

(ii) If complying with alternative 2, the width of natural buffer retained;

(iii) If complying with alternative 2 or 3, the erosion and sediment control(s) you will use to achieve an equivalent sediment reduction, and any information you relied upon to demonstrate the equivalency;

(iv) If complying with alternative 3, a description of why it is infeasible for you to provide and maintain an undisturbed natural buffer of any size;

(v) For "linear construction sites" where it is infeasible to implement compliance alternative 1, 2, or 3, a rationale for this determination, and a description of any buffer width retained and/or supplemental erosion and sediment controls installed; and

(vi) A description of any disturbances that are exempt under Part 2.2.1 that occur within 50 feet of a water of the state.

(2) **Perimeter controls for a "linear construction project"** (see Part 2.2.3). For areas where perimeter controls are not feasible, include documentation to support this determination and a description of the other practices that you will implement to minimize discharges of pollutants in storm water associated with construction activities.

Note: Routine maintenance specifications for perimeter controls documented in the SWPPP must include the Part 2.2.3.c requirement to remove sediment before it has accumulated to one-half of the above-ground height of any perimeter control.

(3) **Sediment track-out controls** (see Parts 2.2.4.b and 2.2.4.c). Document the specific stabilization techniques and/or controls you will implement to remove sediment prior to vehicle exit.

(4) **Sediment basins** (see Part 2.2.12). In circumstances where it is infeasible to utilize outlet structures that withdraw water from the surface, include documentation to support this determination, including the specific conditions or time periods when this exception will apply.

(5) **Treatment chemicals** (see Part 2.2.13), you must include the following:

(i) A listing of the soil types exposed to be exposed during construction in areas of the project that will drain to chemical treatment systems. Also include a listing of soil types expected in fill material to be used in these same areas, to the extent you have this information prior to construction;

(ii) A listing of all treatment chemicals to be used at the site and why the selection of these chemicals is suited to the soil characteristics of your site;

(iii) If DWQ authorized you to use cationic treatment chemicals for sediment control, include the specific controls and implementation procedures designed to ensure that your use of cationic treatment chemicals will not lead to a discharge that does not meet water quality standards or harm to aquatic life;

(iv) The dosage of all treatment chemicals used at the site or the methodology used to determine dosage;

(v) Information from any applicable Safety Data Sheet (SDS);

(vi) Schematic drawings of any chemically enhanced storm water controls or chemical treatment

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systems used for application of the treatment chemicals;

(vii) A description of how you will store chemicals consistent with Part 2.2.13.c;

(viii) References to applicable local requirements affecting the use of treatment chemicals, and copies of applicable manufacturer's specifications regarding the use of your specific treatment chemicals and/or chemical treatment systems; and

(ix) A description of the training that personnel who handle and apply chemicals have received prior to Permit coverage, or will receive prior to use of the treatment chemicals at your site.

(6) **Stabilization measures** (see Part 2.2.14). You must include the following:

(i) The specific vegetative and/or non-vegetative practices that will be used; and

(ii) The stabilization deadline that you will meet in accordance with Part 2.2.14.a.

(7) **Spill prevention and response procedures** (see Part 1.3.5 and Part 2.3.6). You must include the following:

(i) Procedures for expeditiously stopping, containing, and cleaning up spills, leaks, and other releases. Identify the name or position of the employee(s) responsible for detection and response of spills or leaks; and

(ii) Procedures for notification of appropriate facility personnel, emergency response agencies, and regulatory agencies where a leak, spill, or other release containing a hazardous substance or oil in an amount equal to or in excess of a reportable quantity consistent with Part 2.3.6 and established under either 40 C.F.R. 110, 40 C.F.R. 117, or 40 C.F.R. 302, occurs during a 24-hour period. Contact information must be in locations that are readily accessible and available to all employees.

(iii) You may also reference the existence of SPCC plans developed for the construction activity under Section 311 of the CWA, or spill control programs otherwise required by an UPDES permit for the construction activity, provided that you keep a copy of that other plan on site or electronically available.[45]

(8) **Waste management procedures** (see Part 2.3.3). Describe the procedures you will follow for handling, storing and disposing of all wastes generated at your site consistent with state and local requirements, including clearing and demolition debris, removal of spoil (excess dirt) from the site, construction and domestic waste, hazardous or toxic waste, and sanitary waste. You must also include the following additional information:

(i) If site constraints prevent you from storing chemical containers 50 feet away from receiving waters or the other site drainage features as required in Part 2.3.3.c(2)(ii), document in your SWPPP the specific reasons why the 50-foot setback is not feasible, and how you will store containers as far away as the site permits; and

(ii) If there are construction wastes that are subject to the exception in Part 2.3.3.e, describe the specific wastes that you will store on your site.

[45] Even if you already have an SPCC or other spill prevention plan in existence, your plans will only be considered adequate if they meet all of the requirements of this Part, either as part of your existing plan or supplemented as part of the SWPPP.

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(9) **Application of fertilizers** (see Part 2.3.5). Document any departures from the manufacturer specifications where appropriate.

7.3.6 Procedures for Inspection, Maintenance, and Corrective Action. Describe the procedures you will follow for maintaining your storm water controls, conducting site inspections, and, where necessary, taking corrective actions, in accordance with Part 2.1.4, Part 4, and Part 5 of this Permit, accordingly. Also include:

a. The inspection schedule you will follow, which is based on whether your site is subject to Part 4.2 or Part 4.3, or whether your site qualifies for any of the reduced inspection frequencies in Part 4.4;

b. If you will be conducting inspections in accordance with the inspection schedule in Part 4.2.2, or Part 4.3, the location of the rain gauge or the address of the weather station you will be using to obtain rainfall data;

c. If you will be reducing your inspection frequency in accordance with Part 4.4.3, the beginning and ending dates of frozen conditions on your site; and

d. Any maintenance or inspection checklists or other forms used.

7.3.7 Compliance with Other Requirements.

a. **Utah Water Quality Act Underground Injection Control (UIC) Program Requirements for Certain Subsurface Storm Water Controls**. Storm Water Drainage Wells are a subclass of UIC Class V wells that involve infiltrating stormwater directly into the subsurface rather than utilizing a public system. If you are using any storm water control at your site that meets the UIC well definition in Utah Admin. Code R317-7-2, you must document any contact you have had with DWQ for implementing the requirements for underground injection wells in the Safe Drinking Water Act and DEQ's implementing regulations at Utah Admin. Code R317-7. In addition, there may be local requirements related to such structures.

7.3.8 SWPPP Certification. Your signatory must sign and date your SWPPP in accordance with Part 9.9.2.

7.3.9 Post-Authorization Additions to the SWPPP. Once you receive authorization for coverage under this Permit, you must include the following documents as part of your SWPPP:

a. A copy of your NOI submitted to DWQ, along with any correspondence exchanged between you and DWQ related to coverage under this Permit;

b. A copy of the Authorization to Discharge Letter you receive from NeT assigning your NPDES ID;

c. A copy of this Permit (an electronic copy easily available to the storm water team is also acceptable).

7.4 ON-SITE AVAILABILITY OF YOUR SWPPP

7.4.1 You must keep a current copy of your SWPPP at the site or at an easily accessible location so that you can make it available at the time of an on-site inspection or upon request by DWQ, the EPA, or an MS4. If an on-site location is unavailable to keep the SWPPP when no personnel are present, you must post notice of the plan's location near the main entrance of your construction site.

You can store the SWPPP electronically as long as personnel on-site can access it and you can make it immediately accessible to the inspector during an inspection to the same extent as a paper copy stored at the site would be, if you were to store the records in paper form.

7.5 SWPPP MODIFICATIONS

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7.5.1 You must modify your SWPPP, including the site map(s), within seven (7) days of any of the following conditions:

a. Whenever you make changes to your construction plans, storm water controls, or other activities at your site that your SWPPP no longer accurately reflects. This includes changes made in response to corrective actions triggered under Part 5. You do not need to modify your SWPPP if the estimated dates in Part 7.3.2.e change during the course of construction;

b. To reflect areas on your site map where you have transferred operational control (e.g., new general contractor or owner). Note the change and the date of transfer since initiating Permit coverage;

c. If inspections or investigations by DWQ or its authorized representatives determine that SWPPP modifications are necessary for compliance with this Permit;

d. Where DWQ determines it is necessary to install and/or implement additional controls at your site in order to meet the requirements of this Permit, you must include the following in your SWPPP:

(1) A copy of any correspondence describing such measures and requirements; and

(2) A description of the controls used to meet such requirements.

e. To reflect any revisions to applicable Federal, State, Tribal, or local requirements that affect the storm water controls implemented at the site; and

f. If applicable, if you make a change in chemical treatment systems or chemically enhanced storm water controls, including use of a different treatment chemical, different dosage rate, or different area of application.

7.5.2 You must maintain records showing the dates of all SWPPP modifications. The records must include the name of the person authorizing each change (see Part 7.5.1) and a brief summary of all changes.

7.5.3 All modifications made to the SWPPP consistent with Part 7.5.1 must be authorized by a person identified in Part 9.9.2.

7.5.4 If you determine you need to make a modification to your SWPPP, you must notify any persons or subcontractors that the change may impact.

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8. HOW TO TERMINATE COVERAGE

Until you terminate coverage under this Permit, you must comply with all conditions and effluent limitations in the Permit. To terminate Permit coverage, you must submit to DWQ a complete and accurate Notice of Termination (NOT), which certifies that you have met the requirements for terminating in Part 8.

8.1 INFORMATION REQUIRED IN NOT

8.1.1 UPDES ID (i.e., Permit tracking number) provided by DWQ when you received coverage under this Permit;

8.1.2 Basis for submission of the NOT (see Part 8.2);

8.1.3 Operator contact information;

8.1.4 Name of site and address (or a description of location if no street address is available); and

8.1.5 NOT certification.

8.2 CONDITIONS FOR TERMINATING PERMIT COVERAGE

You may terminate Permit coverage only if one or more of the conditions in Part 8.2 has occurred. Until your termination is effective consistent with Part 8.6, you must continue to comply with the conditions of this Permit.

8.2.1 You have completed all construction activities at your site and, if applicable, construction support activities covered by this Permit (see Part 1.2.1.b), and you have met all of the following requirements:

a. You have met the requirements for final vegetative or non-vegetative stabilization in Part 2.2.14 for any areas that (1) you disturbed during construction, (2) you have not covered by permanent structures, and (3) over which you had control during the construction activities;

b. You have removed and properly disposed of all construction materials, waste and waste handling devices, and have removed all equipment and vehicles used during construction, unless intended for long-term use following your termination of Permit coverage;

c. You have removed all storm water controls installed and maintained during construction, except those intended for long-term use following your termination of Permit coverage or those that are biodegradable (as defined in Part 10); and

d. You have removed all potential pollutants and pollutant-generating activities associated with construction, unless needed for long-term use following your termination of Permit coverage.

8.2.2 You have transferred control of all areas of the site for which you are responsible under this Permit to another operator, and that operator has submitted a new NOI and obtained coverage under this Permit. This only applies if the new operator obtains a new NOI. You may choose not to terminate if you have submitted a change NOI form in NeT and the new operator has signed the existing coverage (see Part 1.4.3);

8.2.3 You have obtained coverage under an individual or alternative general UPDES permit; or

8.2.4 Completed homes occupied by home owners where at least temporary sediment and erosion controls are in place may terminate without final stabilization. If a home owner buys a newly completed house, you can terminate the Permit while transferring the property to the home owner. The home owner should not be involved in the Permit process. If a home owner builds his/her house, they must terminate when

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approved for occupancy where temporary storm water controls are in place on the site.

8.3 HOW TO SUBMIT YOUR NOT

8.3.1 You must use NeT to electronically prepare and submit the NOT for coverage under the Permit unless the Director grants a waiver from electronic reporting. If you do not have access to the Permit in NeT, you may contact DWQ and request account access.

To access NeT, go to https://cdx.epa.gov/cdx.

You may submit a request for a waiver from electronic reporting as specified in Part 1.4.2. If the Director grants you approval to use a paper NOT, and you elect to use it, a paper copy of the NOT form may be downloaded from the DWQ construction storm water web site at https://deq.utah.gov/water-quality/general-construction-storm-water-updes-permits, filled out and mailed, to:

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

8.4 DEADLINE FOR SUBMITTING THE NOT

You must submit a NOT within 30 calendar days after any one of the conditions in Part 8.2 occurs.

8.5 PARTIAL NOT REQUIREMENTS

You may file a partial NOT if a portion of the permitted site is sold to a new owner prior to completion of construction. You must notify the new owner of the requirement to obtain a storm water Permit unless the new owner is the home owner. Prior to releasing a residential lot to a home owner, you must temporarily stabilize as required in Part 8.2.4. You must notify DWQ of the change in ownership and provide the name, address, and telephone number of the new owner.

8.6 EFFECTIVE DATE OF TERMINATION OF COVERAGE

Your authorization to discharge under this Permit terminates at midnight of the calendar day that you submit a complete NOT to DWQ.

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9. STANDARD PERMIT CONDITIONS

9.1 DUTY TO COMPLY

The permittee must comply with all conditions of this Permit. The filing of a request by the permittee for a Permit modification, revocation and reissuance, or termination, or a notification of planned changes or anticipated noncompliance, does not stay any Permit condition. Any Permit noncompliance constitutes a violation of the Act and is grounds for enforcement action; for Permit termination, revocation and reissuance, or modification; or denial of a Permit renewal application.

9.2 PENALTIES FOR VIOLATIONS OF PERMIT CONDITIONS

The Act authorizes both civil and criminal penalties for violations of Permit conditions. Violations may be enforced through civil penalties of up to $10,000 per day of violation and criminal penalties of up to $250,000 and/or imprisonment of up to 15 years.[46] Except as provided in Part 9.11.1, nothing in this Permit shall be construed to relieve the permittee of the civil or criminal penalties for noncompliance.

9.3 NEED TO HALT OR REDUCE ACTIVITY NOT A DEFENSE

It is not a valid defense to an enforcement action that a permittee would need to halt or reduce construction activities to maintain compliance with Permit conditions.

9.4 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.

9.5 UPSET CONDITIONS

9.5.1 Effect of an Upset. An upset constitutes an affirmative defense to an action brought for noncompliance with technology-based Permit effluent limitations if you meet the requirements of Part 9.5.2. No determination made during administrative review of claims that noncompliance was caused by upset, and before an action for noncompliance, is final agency action subject to review.

9.5.2 Conditions Necessary for a Demonstration of Upset. A permittee who wishes to establish the affirmative defense of upset shall demonstrate, through properly signed, contemporaneous operating logs, or other relevant evidence that:

a. An upset occurred and that the permittee can identify the cause(s) of the upset;

b. The permitted facility was being operated properly at the time;

c. The permittee submitted notice of the upset as required in Part 9.11.4; and

d. The permittee complied with any remedial measures required under Part 9.4.

9.5.3 Burden of Proof. In any enforcement proceeding, the permittee seeking to establish the occurrence of an upset has the burden of proof.

9.6 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 reissuance, or termination, or a notification of planned changes or anticipated noncompliance, does not stay any Permit condition.

[46] See Utah Code § 19-5-115

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9.7 DUTY TO REAPPLY

If the permittee wishes to continue an activity regulated by this Permit after the expiration date of the Permit, the permittee shall apply for and obtain a new Permit as required in R317-8-3.1 once DWQ issues it.

9.8 DUTY TO PROVIDE INFORMATION

The permittee shall furnish to the Director, within a reasonable time, any information which the Director may request to determine whether cause exists for modifying, revoking 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.

9.9 SIGNATORY REQUIREMENTS

All applications reports, or information submitted to the Director shall be signed and certified.

9.9.1 All Permit applications, including NOIs and NOTs shall be signed as follows:

a. For a corporation: By a responsible corporate officer. For the purpose of this section, a responsible corporate officer means:

(1) a president, secretary, treasurer, or vice-president of the corporation in charge of a principal business function, or any other person who performs similar policy or decision-making functions for the corporation; or

(2) the manager of one or more manufacturing, production or operating facilities, provided the manager is authorized to make management decisions which govern the operation of the regulated site including having the explicit or implicit duty of making major capital investment recommendations, and initiating and directing other comprehensive measures to assure long term environmental compliance with environmental laws and regulations; the manager can ensure that the necessary systems are established or actions taken to gather complete and accurate information for Permit application requirements; and where authority to sign documents has been assigned or delegated to the manager in accordance with corporate procedures.

b. For a partnership of sole proprietorship: By a general partner or the proprietor, respectively; or

c. For a municipality, State, Federal, or other public agency: By either a principal executive officer or ranking elected official. For purposes of this section, a principal executive officer of a Federal agency includes:

(1) The chief executive officer of the agency, or

(2) A senior executive officer having responsibility for the overall operations of a principal geographic unit of the agency (e.g. Regional Administrators of EPA).

9.9.2 Your SWPPP, all reports required by the Permit and any 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:

a. The authorization is made in writing by a person described above and kept with the SWPPP; and

b. The authorization specifies either an individual or a position having responsibility for the overall operation of the regulated site, such as the position of manager, operator, superintendent, or 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

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individual occupying a named position.

9.9.3 Changes to authorization. If an authorization under Part 9.9.2 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 9.9.2 must be submitted to the Director prior to or together with any reports, information, or applications to be signed by an authorized representative.

9.9.4 Certification. Any person signing a document 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.

9.10 PENALTIES FOR FALSIFICATION OF REPORTS

A person who knowingly makes any false statement, representation, or certification in any record or other document submitted or required to be maintained under this Permit, including reports of compliance or noncompliance shall, upon conviction, be punished by a fine of not more than $10,000 per violation, and/or by imprisonment for not more than six months per violation.

9.11 REPORTING REQUIREMENTS

9.11.1 Planned Changes. The permittee shall give notice to the Director as soon as possible of any planned physical alterations or additions to the permitted activity. You must submit notice when:

a. The alteration or addition to a permitted activity may meet one of the criteria for determining whether an activity is a new source in 40 C.F.R. 122.29(b); or

b. The alteration or addition could significantly change the nature or increase the quantity of pollutants discharged. This notification applies to pollutants which are subject to neither the effluent limitations in the Permit nor the notification requirements under Utah Admin. Code R317-8-4.1(15).

9.11.2 Anticipated Noncompliance. The permittee shall give advance notice to the Director of any planned changes in the permitted activity which may result in noncompliance with Permit requirements.

9.11.3 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, it shall promptly submit such facts or information.

9.11.4 Twenty-Four-Hour Notice of Noncompliance. The permittee shall (orally) report any noncompliance which may seriously endanger health or the environment or any upset which exceeds any effluent limitation in the Permit (see Part 9.11.1) as soon as possible, but no later than twenty-four (24) hours from the time the permittee first becomes aware of circumstances. (The report shall be in addition to and not in lieu of any other reporting requirement applicable to the noncompliance.) The report shall be made to the DWQ via the 24-hour answering service at (801) 536-4123.

a. The following occurrences of noncompliance shall initially be reported by telephone to the DWQ via the 24-hour answering service as soon as possible but no later than 24 hours from the time the permittee becomes aware of the circumstances:

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(1) The noncompliance which may endanger health or the environment; or

(2) Any upset which exceeds any effluent limitation in the Permit (see Part 9.5);

b. A written submission shall also be provided within five days of the time that the permittee becomes aware of the circumstances. The written submission shall contain:

(1) A description of the noncompliance and its cause;

(2) The period of noncompliance, including exact dates and times;

(3) The estimated time noncompliance is expected to continue if it has not already been corrected;

(4) Steps taken or planned to reduce, eliminate, and prevent recurrence of the noncompliance; and

(5) Steps taken, if any, to mitigate the adverse impacts on the environment and human health during the noncompliance period.

c. The Director may waive the written report on a case-by-case basis if the oral report has been received within twenty-four hours by the Division of Water Quality, (801) 536-4123.

9.11.5 Availability of Reports.

Except for data determined to be confidential under Utah Admin. Code R317-8-3.2, all reports prepared in accordance with the terms of this Permit shall be available for public inspection at the office of Director. As required by the Act, Permit applications, Permits, and effluent data shall not be considered confidential.

9.12 OIL AND HAZARDOUS SUBSTANCE LIABILITY

Nothing in this Permit shall be construed to preclude the permittee of any legal action or relieve the permittee from any responsibilities, liabilities, or penalties to which the permittee is or may be subject under the Act.

9.13 PROPERTY RIGHTS

The issuance of this Permit does not convey any property rights of any sort, nor 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.

9.14 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.

9.15 TRANSFERS

This Permit is not transferable to any person except after notice to the Director. The Director may require modification on and reissuance of the Permit to change the name of the permittee and incorporate such other requirements as may be necessary under the Act, as amended. (In some cases, modification, revocation and reissuance is mandatory.)

9.16 STATE LAWS

Nothing in this Permit shall be construed to preclude the institution of any legal action or relieve the permittee from any responsibilities, liabilities, or penalties established pursuant to any applicable State law or regulation under authority preserved by Sections 19-5-117 and 510 of the Clean Water Act or any applicable Federal or State transportation regulations, including, but not limited to, the Department of

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Transportation regulations.

9.17 WATER QUALITY REOPENER PROVISION

If there is evidence indicating that the storm water discharges authorized by this Permit have caused, or have the reasonable potential to cause or contribute to, a violation of a water quality standard, the discharger may be required to obtain an individual permit or an alternative general permit in accordance with Part 1.4.5 of this Permit or the Permit may be modified to include different limitations and/or requirements.

Permit modification or revocation will be conducted according to Utah Admin. Code R317-8-5.6 and Utah Admin. Code R317-8-6.2.

9.18 RECORDS RETENTION

The permittee shall retain copies of SWPPPs, written authorizations to discharge, all reports required by this Permit, and records of all data used to complete the application for this Permit, for a period of at least three years from the date that the site is finally stabilized. This period may be extended by request of the Director at any time.

After final stabilization of the construction site is complete, the SWPPP is no longer required to be maintained on site, and may be maintained by the permittee(s) at its primary headquarters. However, you must continue to provide access to copies of records required to be kept by this Permit as described in Part 9.8.

9.19 MONITORING PROCEDURES AND RECORDS CONTENTS

Samples and measurements taken for the purpose of monitoring shall be representative of the monitored activity and shall meet the requirements set forth in Utah Admin. Code R317-8-4.1(10).

9.20 INSPECTION AND ENTRY

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

a. Enter upon the permittee's premises where a regulated facility or activity is located or conducted, or where records must be kept under the conditions of this Permit;

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

c. Inspect at reasonable times any facilities, equipment (including monitoring and control equipment), practices, or operations regulated or required under this Permit; and

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

The permittee shall make the necessary arrangements with the landowner or leaseholder to obtain permission or clearance for the Director, or an authorized representative, to enter without delay for the purposes of performing their responsibilities.

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10. DEFINITIONS AND ACRONYMS

10.1 DEFINITIONS

"Act" – is a reference to the Utah Water Quality Act, or UCA Title 19, Chapter 5.

"Active Mining" - activities related to the extraction, removal or recovery, and beneficiation of material from the earth; removal of overburden and waste rock to expose mineable minerals; and site reclamation and closure activities.

"Agricultural Land" - cropland, grassland, rangeland, pasture, and other agricultural land, on which agricultural and forest-related products or livestock are produced and resource concerns may be addressed. Agricultural lands include cropped woodland, marshes, incidental areas included in the agricultural operation, and other types of agricultural land used for the production of livestock.

"Antidegradation Policy" or "Antidegradation Requirements" - the water quality standards regulation that requires maintenance of water quality:

Waters whose existing quality is better than the established standards for the designated uses will be maintained at high quality unless it is determined by the Board, after appropriate intergovernmental coordination and public participation in concert with the Utah continuing planning process, allowing lower water quality is necessary to accommodate important economic or social development in the area in which the waters are located. However, existing instream water uses shall be maintained and protected. No water quality degradation is allowable which would interfere with or become injurious to existing instream water uses.

In those cases where potential water quality impairment associated with a thermal discharge is involved, the antidegradation policy and implementing method shall be consistent with Section 316 of the Federal Clean Water Act.

Category 1 Waters: Waters which have been determined by the Board to be of exceptional recreational or ecological significance or have been determined to be a State or National resource requiring protection, shall be maintained at existing high quality through designation, by the Board after public hearing, as Category 1 Waters. New point source discharges of wastewater, treated or otherwise, are prohibited in such segments after the effective date of designation. Protection of such segments from pathogens in diffuse, underground sources is covered in R317-5 and R317-7 and the Regulations for Individual Wastewater Disposal Systems (R317-501 through R317-515). Other diffuse sources (nonpoint sources) of wastes shall be controlled to the extent feasible through implementation of best management practices or regulatory programs.

Discharges may be allowed where pollution will be temporary and limited after consideration of the factors in R317-2-3.5.b.4., and where best management practices will be employed to minimize pollution effects.

Waters of the state designated as Category 1 Waters are listed in Utah Admin. Code R317-2-12.1.

Category 2 Waters: Category 2 Waters are designated surface water segments which are treated as Category 1 Waters except that a point source discharge may be permitted provided that the discharge does not degrade existing water quality. Discharges may be allowed where pollution will be temporary and limited after consideration of the factors in Utah Admin. Code R317-2-3.5(b)(4), and where best management practices will be employed to minimize pollution effects. Waters of the state designated as Category 2 Waters are listed in Utah Admin. Code R317-2-12.2.

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Category 3 Waters: For all other waters of the state, point source discharges are allowed and degradation may occur, pursuant to the conditions and review procedures outlined in in the paragraph below (Antidegradation Review).

Antidegradation Review (ADR): An ADR will determine whether the proposed activity complies with the applicable antidegradation requirements for receiving waters that may be affected.

An ADR may consist of two parts or levels. A Level I review is conducted to insure that existing uses will be maintained and protected.

Both Level I and Level II reviews will be conducted on a parameter-by-parameter basis. A decision to move to a Level II review for one parameter does not require a Level II review for other parameters. Discussion of parameters of concern is those expected to be affected by the proposed activity.

Antidegradation reviews shall include opportunities for public participation, as described in Utah Admin. Code R317-2-3.5.

"Arid Areas" – areas with an average annual rainfall of 0 to 10 inches.

"Authorization to Discharge Letter" – The receipt generated when a NOI is successfully entered and payment is processed by DWQ. The letter demonstrates that the permittee has coverage under the appropriate Storm Water Permit. Authorization to Discharge Letters contain the dates of the permittee's coverage under the Permit.

"Bank" (e.g., stream bank or river bank) – the rising ground bordering the channel of a water of the State of Utah.

"Best Management Practices (BMPs) – schedules of activities, prohibitions of practices, maintenance procedures, and other physical, structural and/or managerial practices to prevent or reduce pollution of waters of the State. BMPs include treatment requirements, operating procedures, and practices to control storm water associated with construction activity, spillage or leaks, sludge or waste disposal, or drainage from raw material storage.

"Biodegradable" – capable of decomposing under ambient soil conditions into naturally occurring materials over a period of time (e.g., one year).

"Bluff" – a steep headland, promontory, riverbank, or cliff.

"Borrow Areas" – the areas where materials are dug for use as fill, either onsite or off-site.

"Business day" – see "Work Day"

"Category 1, 2, and/or 3 Waters" – see "Antidegradation Policy" or "Antidegradation Requirements".

"Cationic Treatment Chemical" – polymers, flocculants, or other chemicals that contain an overall positive charge. Among other things, they are used to reduce turbidity in storm water discharges by chemically bonding to the overall negative charge of suspended silts and other soil materials and causing them to bind together and settle out. Common examples of cationic treatment chemicals are chitosan and cationic PAM.

"Commencement of Earth-Disturbing Activities" - the initial disturbance of soils (or 'breaking ground') associated with clearing, grading, or excavating activities or other construction-related activities (e.g., stockpiling of fill material).

"Commencement of Pollutant-Generating Activities" – at construction sites (for the purposes of this

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Permit) occurs in any of the following circumstances:

1. Clearing, grubbing, grading, and excavation has begun;
2. Raw materials related to your construction activity, such as building materials or products, landscape materials, fertilizers, pesticides, herbicides, detergents, fuels, oils, or other chemicals have been placed at your site;
3. Use of authorized non-storm water for washout activities, or dewatering activities, have begun; or
4. Any other activity has begun that causes the generation of or the potential generation of pollutants.

"Common Plan of Development or Sale" – a plan to subdivide a parcel of land into separate parts for separate sale. This can be for a residential, commercial, or industrial development. The plan originates as a single parcel that is separated into parts. This usually goes through an approval process by a local governmental unit, but in some cases, it may not require that process. The original plan is considered the "common plan of development or sale" whether phased or completed in steps.

Additional information related to Common Plan of Development for Permit Purposes:

For UPDES storm water Permit purposes, a common plan must have been initiated after October, 1992. A common plan of development or sale remains so until each lot or section of the development has fulfilled its planned purposes (e.g. in a residential development as homes are completed, stabilized, and sold or occupied). As lots or separated sections of the development are completed, the lot or section is stabilized, and the plan purposes are fulfilled for that area, lot, or section, it is no longer part of the common plan of development or sale (e.g. if a home is sold in a development and the owner decides to add a garage somewhere on the lot, that garage project is not part of the common plan of development or sale. In this process a common plan of development or sale may become reduced in size and/or separated by completed areas which are no longer part of the common plan of development or sale, but all unfinished lots remain part of the same common plan of development or sale until they are completed, stabilized, and fulfilled according to the purposes of the plan.

"Construction Activities" – earth-disturbing activities, such as the clearing, grading, and excavation of land.

"Construction and Development Point Source Category" (C&D Rule) – as published in 40 C.F.R. 450 is the regulation requiring effluent limitations guidelines (ELG's) and new source performance standards (NSPS) for controlling the discharge of pollutants from construction sites.

"Construction Site" – the land or water area where construction activities will occur and where storm water controls will be installed and maintained. The construction site includes construction support activities, which may be located at a different part of the property from where the primary construction activity will take place, or on a different piece of property altogether. The construction site is often a smaller subset of the lot or parcel within which the project is taking place.

"Construction Support Activities" – a construction-related activity that specifically supports the construction activity and involves earth disturbance or pollutant-generating activities of its own. This can include activities associated with concrete or asphalt batch plants, equipment staging yards, materials storage areas, excavated material disposal areas, and borrow areas.

"Construction Waste" – discarded material (such as packaging materials, scrap construction materials, masonry products, timber, steel, pipe, and electrical cuttings, plastics, and styrofoam).

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"Conveyance Channel" – a temporary or permanent waterway designed and installed to safely convey storm water flow within and out of a construction site.

"Corrective Action" – for the purposes of the Permit, any action taken to (1) repair, modify, or replace any storm water control used at the site; (2) clean up and dispose of spills, releases, or other deposits found on the site; and (3) remedy a Permit violation.

"CWA" – the Clean Water Act or the Federal Water Pollution Control Act, 33 U.S.C. section 1251 et seq.

"Dewatering" – the act of draining rainwater and/or groundwater from building foundations, vaults, and trenches, or other similar points of accumulation.

"Director" – the director of the DWQ, otherwise known as the Executive Secretary of the Utah Water Quality Board.

"Discharge" – discharge of storm water or "discharge of a pollutant."

"Discharge of a Pollutant" – the addition of any "pollutant" or combination of pollutants to "waters of the State" from any "point source," or any addition of any pollutant or combination of pollutants to the waters of the State. This includes additions of pollutants into waters of the State from: surface runoff which is collected or channeled by man; discharges through pipes, sewers, or other conveyances, leading into privately owned treatment works. See 40 C.F.R. 122.2.

"Discharge Point" – for the purposes of this Permit, the location where collected and concentrated storm water flows are discharged from the construction site.

"Discharge-Related Activity" – activities that cause, contribute to, or result in storm water and allowable non-storm water point source discharges, and measures such as the siting, construction, and operation of storm water controls to control, reduce, or prevent pollutants from being discharged.

"Discharge to an Impaired Water" – for the purposes of this Permit, a discharge to an impaired water occurs if the first water of the State to which you discharge is identified by DWQ or EPA pursuant to Section 303(d) of the Clean Water Act as not meeting an applicable water quality standard, or is included in an EPA-approved or DWQ established TMDL. For discharges that enter a storm sewer system prior to discharge, the water of the State to which you discharge is the first water of the State that receives the storm water discharge from the storm sewer system.

"Domestic Waste" – for the purposes of this Permit, typical household trash, garbage or rubbish items generated by construction activities.

"Drought-Stricken Area" – for the purposes of this Permit, an area in which the National Oceanic and Atmospheric Administration's U.S. Seasonal Drought Outlook indicates for the period during which the construction will occur that any of the following conditions are likely: (1) "Drought to persist or intensify", (2) "Drought ongoing, some improvement", (3) "Drought likely to improve, impacts ease", or (4) "Drought development likely". See http://www.cpc.ncep.noaa.gov/products/expert_assessment/sdo_summary.php

"Earth-Disturbing Activity" or "Land-Disturbing Activity" – actions taken to alter the existing vegetation and/or underlying soil of a site, such as clearing, grading, site preparation (e.g., excavating, cutting, and filling), soil compaction, and movement and stockpiling of top soils.

"Effective Operating Condition" – for the purposes of this Permit, a storm water control is kept in effective operating condition if it has been implemented and maintained in such a manner that it is working as

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designed to minimize pollutant discharges.

"Effluent Limitations" – for the purposes of this Permit, any of the Part 2 or Part 3 requirements.

"Emergency-Related Project" – a project initiated in response to a public emergency (e.g., natural disaster, disruption in essential public services), for which the related work requires immediate authorization to avoid imminent endangerment to human health or the environment, or to reestablish essential public services.

"Excursion" – a violation of a standard or limit.

"Existing Project" – a construction project that commenced construction activities prior to the issuance date of this Permit.

"Existing Permit Coverage" – means that the permittee had Permit coverage under a previous Permit prior to the issuance of this Permit.

"Exit Points" – any points of egress from the construction site to be used by vehicles and equipment during construction activities.

"Exposed Soils" – for the purposes of this Permit, soils that as a result of earth-disturbing activities are disturbed and exposed to the elements of weather.

"Final Stabilization" – All disturbed areas must be covered by permanent structures such as pavement, concrete slab, building, etc., or for areas not covered by permanent structures but that are receiving 20 inches or more of average annual precipitation, vegetation has been established with a uniform (e.g., evenly distributed, without large bare areas) perennial vegetative cover equivalent to 70 percent of the natural background vegetative cover. In the case of areas that are not covered by permanent structures, but that are receiving less than 20 inches of average annual precipitation (arid areas, 0-10 inches; semi-arid areas, 10-20 inches), final stabilization is equivalent to the requirements of 2.2.2.b of this Permit, including the provisions for permanent stabilization.

"Groundwater" – water in the voids and interstitial spaces around soil particles beneath the surface of the ground, even if it is only temporary.

"Hazardous Condition" – any situation involving the actual, imminent or probable spillage, leakage, or release of a hazardous substance onto the land, into a water of the state or into the atmosphere which, because of the quantity, strength and toxicity of the hazardous substance, its mobility in the environment and its persistence, creates an immediate or potential danger to the public health or safety or to the environment.

"Hazardous Materials" or "Hazardous Substances" or "Hazardous or Toxic Waste" – for the purposes of this Permit, any liquid, solid, or contained gas that contain properties that are dangerous or potentially harmful to human health or the environment. See also 40 C.F.R. 261.2.

"Impaired Water" or "Water Quality Impaired Water" or "Water Quality Limited Segment" – for the purposes of this Permit, waters identified as impaired on the CWA Section 303(d) list, or waters with an EPA-approved or established TMDL. Your construction site will be considered to discharge to an impaired water if the first water of the state to which you discharge is identified by DWQ pursuant to Section 303(d) of the CWA as not meeting an applicable water quality standard, or is included in an EPA-approved or DWQ established total maximum daily load (TMDL). For discharges that enter a storm sewer system prior to discharge, the first water of the state to which you discharge is the water

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body that receives the storm water discharge from the storm sewer system.

"Impervious Surface" – for the purpose of this Permit, any land surface with a low or no capacity for soil infiltration including, but not limited to, pavement, sidewalks, parking areas and driveways, packed gravel or soil, or rooftops.

"Indian Country" or "Indian Country Lands" – defined at 40 C.F.R. 122.2 as:

1. All land within the limits of any Indian reservation under the jurisdiction of the United States Government, notwithstanding the issuance of any patent, and, including rights-of way running through the reservation;
2. All dependent Indian communities within the borders of the United States whether within the originally or subsequently acquired territory thereof; and
3. All Indian allotments, the Indian titles to which have not been extinguished, including rights-of-ways running through the same.

"Infeasible" – for the purpose of this Permit, infeasible means not technologically possible or not economically practicable and achievable in light of best industry practices. DWQ notes that it does not intend for any Permit requirement to conflict with state water rights law.

"Install" or "Installation" – when used in connection with storm water controls, to connect or set in position storm water controls to make them operational.

"Landward" – positioned or located away from a water body, and towards the land.

"Level Spreader" – a temporary storm water control used to spread storm water flow uniformly over the ground surface as sheet flow to prevent concentrated, erosive flows from occurring.

"Linear Construction Project" – includes the construction of roads, bridges, conduits, substructures, pipelines, sewer lines, towers, poles, cables, wires, connectors, switching, regulating and transforming equipment and associated ancillary facilities in a long, narrow area.

"Minimize" – to reduce and/or eliminate to the extent achievable using storm water controls that are technologically available and economically practicable and achievable in light of best industry practices.

"Municipal Separate Storm Sewer System" or "MS4" – defined at 40 C.F.R. 122.26(b)(8) as a conveyance or system of conveyances (including roads with drainage systems, municipal streets, catch basins, curbs, gutters, ditches, manmade channels, or storm drains):

1. Owned and 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 sewage, industrial 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;
2. Designed or used for collecting or conveying storm water;
3. Which is not a combined sewer; and
4. Which is not part of a Publicly Owned Treatment Works (POTW) as defined at 40 C.F.R. 122.2.

"National Pollutant Discharge Elimination System" (NPDES) – defined at 40 C.F.R. 122.2 as the national

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program for issuing, modifying, revoking and reissuing, terminating, monitoring and enforcing Permits, and imposing and enforcing pretreatment requirements, under sections 307, 402, 318, and 405 of CWA. The term includes an 'approved program.'

"Native Topsoil" – the uppermost layer of naturally occurring soil for a particular area, and is often rich in organic matter, biological activity, and nutrients.

"Native Vegetation" – the species of plants that have developed for a particular region or ecosystem and are considered endemic to that area.

"Natural Buffer" – for the purposes of this Permit, an area of undisturbed natural cover surrounding surface waters within which construction activities are restricted. Natural cover includes the vegetation, exposed rock, or barren ground that exists prior to commencement of earth- disturbing activities.

"Natural Vegetation" – vegetation that occurs spontaneously without regular management, maintenance or species introductions, removals, and that generally has a strong component of native species.

"New Operator of a New or Existing Project" – an operator that through transfer and/or operation replaces the operator of an already permitted construction project.

"New Project" – a construction project that commenced construction activities on or the issuance date of this Permit.

"New Source" – for the purpose of this Permit, a construction project that commenced construction activities on or after the issuance date of this Permit.

"New Source Performance Standards (NSPS)" – for the purposes of this Permit, NSPS are technology-based standards that apply to construction sites that are new sources under 40 C.F.R. 450.24.

"Non-Storm Water Discharges" – discharges that do not originate from storm events. They can include, but are not limited to, discharges of process water, air conditioner condensate, noncontact cooling water, vehicle wash water, sanitary wastes, concrete washout water, paint wash water, irrigation water, or pipe testing water.

"Non-Turbid" – is a term used in this Permit to describe water that appears visually clear and there appears to be no evidence of silt or sediment present in the water.

"Notice of Intent" (NOI) – the form (electronic or paper) required for authorization of coverage under the Permit.

"Notice of Termination" (NOT) – the form (electronic or paper) required for terminating coverage under the Permit.

"NPDES eReporting Tool" (NeT) – EPA's online system for submitting electronic Construction General Permit forms.

"Operational" – for the purpose of this Permit, storm water controls are made "operational" when they have been installed and implemented, are functioning as designed, and are properly maintained.

"Operator" – for the purposes of this Permit and in the context of storm water discharges associated with construction activity, any party associated with a construction project that meets either of the following two criteria:

1. The party which has operational control over construction plans and specifications, including the ability to make modifications to those plans and specifications (e.g. in most cases this is the owner

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of the site, sometimes it is a lessor); or

2. The party which has day-to-day operational control of those activities at a project that are necessary to ensure compliance with the Permit conditions (e.g., they are authorized to direct workers at a site to carry out activities required by the Permit; in most cases this is the general contractor of the project).

"Ordinary High Water Mark" – the line on the shore established by fluctuations of water and indicated by physical characteristics such as a clear, natural line impressed on the bank, shelving, changes in the character of soil, destruction of terrestrial vegetation, and/or the presence of litter and debris.

"Outfall" – see "Discharge Point."

"Owner" – is the record owner(s) of property on which construction activity is taking place. Except in the case of leased property, an owner is the party that has ultimate control over the destiny of a project. This is the lessor in the case of leased property.

"Permittee" – is the owner and/or operator named in the NOI for the project.

"Point(s) of Discharge" – see "Discharge Point."

"Point Source" – any discernible, confined, and discrete conveyance, including but not limited to, any pipe, ditch, channel, tunnel, conduit, well, discrete fissure, container, rolling stock concentrated animal feeding operation, landfill leachate collection system, or vessel or other floating craft from which pollutants are or may be discharged. This term does not include return flows from irrigated agriculture or storm water runoff.

"Pollutant" – defined at 40 C.F.R. 122.2. A partial listing from this definition includes: dredged spoil, solid waste, sewage, garbage, sewage sludge, chemical wastes, biological materials, heat, wrecked or discarded equipment, rock, sand, cellar dirt, and industrial or municipal waste.

"Pollutant-Generating Activities" – at construction sites (for the purposes of this Permit), those activities that lead to or could lead to the generation of pollutants, either as a result of earth disturbance or a related support activity. Some of the types of pollutants that are typically found at construction sites are:

1. sediment;
2. nutrients;
3. heavy metals;
4. pesticides and herbicides;
5. oil and grease;
6. bacteria and viruses;
7. trash, debris, and solids;
8. treatment polymers; and
9. any other toxic chemicals.

"Pollution Prevention Measures" – storm water controls designed to reduce or eliminate the addition of pollutants to construction site discharges through analysis of pollutant sources, implementation of

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proper handling/disposal practices, employee education, and other actions.

"Polymers" – for the purposes of this Permit, coagulants and flocculants used to control erosion on soil or to enhance the sediment removal capabilities of sediment traps or basins. Common construction site polymers include polyacrylamide (PAM), chitosan, alum, polyaluminum chloride, and gypsum.

"Prohibited Discharges" – discharges that are not allowed under this Permit, including:

1. Wastewater from washout of concrete;
2. Wastewater from washout and cleanout of stucco, paint, form release oils, curing compounds and other construction materials;
3. Fuels, oils, or other pollutants used in vehicle and equipment operation and maintenance;
4. Soaps or solvents used in vehicle and equipment washing;
5. Toxic or hazardous substances from a spill or other release; and
6. Waste, garbage, floatable debris, construction debris, and sanitary waste from pollutant generating activities.

"Provisionally Covered Under this Permit" – for the purposes of this Permit, DWQ provides temporary coverage under this Permit for emergency-related projects prior to receipt of a complete and accurate NOI. Discharges from earth-disturbing activities associated with the emergency- related projects are subject to the terms and conditions of the Permit during the period of temporary coverage.

"Qualified Person" – a person knowledgeable in the principles and practice of erosion and sediment controls and pollution prevention, who possesses the appropriate skills and training to assess conditions at the construction site that could impact stormwater quality, and the appropriate skills and training to assess the effectiveness of any stormwater controls selected and installed to meet the requirements of this Permit.

"Receiving Water" – a "Water of the State" into which the regulated storm water discharges. If the discharge is to a storm sewer system, the receiving water is the waterbody to which the storm system discharges.

"Regulatory Authority" – as it pertains to this Permit means EPA, DWQ, or a local MS4 that oversights construction activity.

"Run-On" – sources of storm water that drain from land located upslope or upstream from the regulated site in question.

"Seasonally Dry Period" – a month in which the long-term average total precipitation is less than or equal to 0.5 inches. Refer to EPA's Seasonally Dry Period Locator and supporting maps for assistance in determining whether a site is operating during a seasonally dry period for the area, located at https://www.epa.gov/npdes/construction-general-permit-resources-tools-and-templates.

"Semi-Arid Areas" – areas with an average annual rainfall of over 10 to 20 inches.

"Seriously endanger health or the environment" – see "Hazardous condition"

"Site" – for construction activities, the land or water area where earth-disturbing activities take place, including construction support activities.

"Small Construction Activity" – defined at Utah Admin. Code R317-8-11.3(6)(e) and incorporated here

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by reference. A small construction activity includes clearing, grading, and excavating resulting in a land disturbance that will disturb equal to or greater than one (1) acre and less than five (5) acres of land or will disturb less than one (1) acre of total land area but is part of a larger common plan of development or sale that will ultimately disturb equal to or greater than one (1) acre and less than five (5) acres. Small construction activity does not include routine maintenance that is performed to maintain the original line and grade, hydraulic capacity, or original purpose of the site.

"Small Residential Lot" – for the purpose of this Permit, a lot being developed for residential purposes that will disturb less than 1 acre of land, but is part of a larger residential project that will ultimately disturb greater than or equal to 1 acre.

"Snowmelt" – the conversion of snow into overland storm water and groundwater flow as a result of warmer temperatures.

"Spill" – for the purpose of this Permit, the release of a hazardous or toxic substance from its container or containment.

"Stabilization" – the use of vegetative and/or non-vegetative cover to prevent erosion and sediment loss in areas of disturbed soil exposed from the construction process.

"Steep Slopes" –for this Permit steep slopes are defined as those that are 70 percent or greater in grade.

"Storm Event" – a precipitation event that results in a measurable amount of precipitation.

"Storm Sewer" – a system of pipes (separate from sanitary sewers) that carries storm water runoff from buildings and land surfaces.

"Storm Sewer System" – a conveyance or system of conveyances (including roads with drainage systems, municipal streets, catch basins, curbs, gutters, ditches, manmade channels, or storm drains) designed or used for collecting or conveying storm water.

"Storm Water" – storm water runoff from precipitation, snow melt runoff, and surface runoff and drainage.

"Storm Water Control Measure" - refers to any storm water control, BMP, or other method (including narrative effluent limitations) used to prevent or reduce the discharge of pollutants to waters of the state.

"Storm Water Controls" – see "Storm Water Control measure."

"Storm Water Discharge Associated with Construction Activity" – as used in this Permit, a discharge of pollutants in storm water to waters of the state from areas where land disturbing activities (e.g., clearing, grading, or excavation) occur, or where construction materials or equipment storage or maintenance (e.g., fill piles, borrow area, concrete truck chute wash down, fueling), or other industrial storm water directly related to the construction process (e.g., concrete or asphalt batch plants), are located.

"Storm Water Inlet" or "Storm Drain Inlet" – an entrance or opening to a storm water conveyance system, generally placed below grade so as to receive storm water drainage from the surrounding area.

"Storm Water Team" – the individual or group of individuals responsible for oversight of the development and modifications of the SWPPP, and oversight of compliance with the Permit requirements. The individuals on the "Storm water Team" must be identified in the SWPPP.

"Subcontractor" – for the purposes of this Permit, an individual or company that takes a portion of a

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contract from the general contractor or from another subcontractor.

"Surface Water" – for this Permit a surface water is defined all open water bodies, streams, lakes, ponds, marshes, wetlands, watercourses, waterways, springs, drainage systems, and all other bodies or accumulations of water on the surface only. Surface water is visible water, standing or flowing, above the surface of the ground.

"SWPPP" (Storm Water Pollution Prevention Plan) – a site-specific, written document that, among other things: (1) identifies potential sources of storm water pollution at the construction site; (2) describes storm water control measures to reduce or eliminate pollutants in storm water discharges from the construction site; and (3) identifies procedures the operator will implement to comply with the terms and conditions of this Permit.

"Temporary Stabilization" – a condition where exposed soils or disturbed areas are provided a temporary vegetative and/or non-vegetative protective cover to prevent erosion and sediment loss. Temporary stabilization may include temporary seeding, geotextiles, mulches, and other techniques to reduce or eliminate erosion until either final stabilization can be achieved or until further construction activities take place to re-disturb this area.

"Thawing Conditions" – for the purposes of this Permit, thawing conditions are expected based on the historical likelihood of two or more days with daytime temperatures greater than 32°F. This date can be determined by looking at historical weather data. The estimation of thawing conditions is for planning purposes only. During construction the permittee will be required to conduct site inspections based upon actual conditions (i.e., if thawing conditions occur sooner than expected, the permittee will be required to conduct inspections at the regular frequency).

"Total Maximum Daily Load" or "TMDL" – the sum of the individual wasteload allocations (WLAs) for point sources and load allocations (LAs) for nonpoint sources and natural background. If a receiving water has only one point source discharger, the TMDL is the sum of that point source WLA plus the LAs for any nonpoint sources of pollution and natural background sources, tributaries, or adjacent segments. TMDLs can be expressed in terms of either mass per time, toxicity, or other appropriate measure.

"Toxic Waste" – see "Hazardous Materials."

"Treatment Chemicals" – polymers, flocculants, or other chemicals used to reduce turbidity in stormwater.

"Turbidity" – when the term is used in a narrative it means a condition of water quality characterized by the presence of cloudiness usually caused by suspended solids and/or organic material. It refers to the visual clarity in water and is measured in a test passing light through a sample of water and quantifying the amount of light passing. The measurement is not directly proportional to the quantity of sediment in the water sample it is directly related to the quantity of light that passes through the sample. Particulate size and other factors can affect the amount of light that passes through the sample. This measurement is called nephelometric turbidity units or ntu.

"Uncontaminated Discharge" – a discharge that does not cause or contribute to an exceedance of applicable water quality standards.

"Upland" - the dry land area above and 'landward' of the ordinary high water mark.

"Upset" – an exceptional incident in which there is unintentional and temporary noncompliance with technology-based Permit effluent limitations because of factors beyond the reasonable control of the

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permittee. An upset does not include noncompliance to the extent caused by operational error, improperly designed treatment facilities, inadequate treatment facilities, lack of preventive maintenance, or careless or improper operation. See Utah Admin. Code R317-8-4.1(14)(a).

"Utah Pollutant Discharge Elimination System (UPDES)" – The State of Utah's program for issuing, modifying, revoking and resissuing, terminating, monitoring, and enforcing permits, and imposing and enforcing pretreatment requirements, under sections 307, 102, 318, and 405 of the Clean water Act (CWA) for the "discharge" of "pollutants" to "Waters of the State". This program is specifically designed to be compatible with the federal National Pollutant Discharge Elimination System (NPDES) program established and administered by the EPA.

"Water-Dependent Structures" – structures or facilities that are required to be located directly adjacent to a waterbody or wetland, such as a marina, pier, boat ramp, etc.

"Water Quality Standards" – are provisions of State law which consist of a designated use or uses for the waters of the United States, water quality criteria for such waters based upon such uses, and an antidegradation policy to protect high quality waters. Water quality standards protect the public health or welfare, enhance the quality of water and serve the purposes of the Utah Water Quality Act.

"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 that bodies of water confined to and retained within the limits of private property, and which do not develop into or constitute a nuisance, or a public health hazard, or a menace to fish and wildlife, shall not be considered to be "waters of the state" under this definition (UCA § 19-5-102).

"Wetland" – those areas that are inundated or saturated by surface or groundwater at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions. Wetlands generally include swamps, marshes, bogs, and similar areas. On-site evaluations are typically required to confirm the presence and boundaries of wetlands.

"Work Day" – for the purposes of this Permit, a work day is a calendar day on which construction activities will take place.

10.2 ACRONYMS

ADR – Antidegradation Review

BMP – Best Management Practice

C&D – Construction & Development

CESSWI – Certified Erosion, Sediment, and Storm Water Inspector

CGP – Construction General Permit

C.F.R. – Code of Federal Regulations

CISEC – Certified Inspector of Sediment and Erosion Control

CPESC – Certified Professional in Erosion and Sediment Control

CPoD – Common Plan of Development or Sale

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CPSWQ – Certified Professional in Storm Water Quality

CROMERR – EPA's Cross-Media Electronic Reporting Regulation

CSI – Certified Stormwater Inspector

CWA – Clean Water Act

DEQ – Department of Environmental Quality

DDW – Division of Drinking Water

DWQ – Division of Water Quality

ECS – Utah Department of Transportation Environmental Control Supervisor

ELG – Effluent Limitations Guidelines

EPA – United States Environmental Protection Agency

LA – Load Allocation

MS4 – Municipal Separate Storm Sewer System

NeT – EPA's NPDES eReporting Tool

NICET – National Institute for Certification in Engineering Technologies, Erosion and Sediment Control, Level 3

NMFS – United States National Marine Fisheries Service

NOAA – National Oceanic and Atmospheric Administration

NOI – Notice of Intent

NOT – Notice of Termination

NPDES – National Pollutant Discharge Elimination System

NRC – National Response Center

NRCS – National Resources Conservation Service

NSPS – New Source Performance Standards

PE – Professional Engineer

PG – Professional Geologist

POTW – Publicly Owned Treatment Works

QCIS – Qualified Compliance Inspector of Stormwater

RSI – Utah Registered Storm Water Inspector

RSW – Utah Registered SWPPP Writer

RUSLE – Revised Universal Soil Loss Equation

SDS – Safety Data Sheet

SPCC – Spill Prevention Control and Countermeasure

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SW – Storm Water

SWMP – Storm Water Management Plan

SWPPP – Storm Water Pollution Prevention Plan

TMDL – Total Maximum Daily Load

UAC – Utah Admin. Code

UCA – Utah Code Annotated

UIC – Underground Injection Control

UPDES – Utah Pollution Discharge Elimination System

UWQA – Utah Water Quality Act

WLA – Waste Load Allocation

WQS – Water Quality Standard

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APPENDIX A – BUFFER REQUIREMENTS

The purpose of this appendix is to assist you in complying with the requirements in Part 2.2.1 of the Permit regarding the establishment of natural buffers and/or equivalent sediment controls. This appendix is organized as follows:

A.1. SITES THAT ARE REQUIRED TO PROVIDE AND MAINTAIN NATURAL BUFFERS AND/OR EQUIVALENT EROSION AND SEDIMENT CONTROLS A-2
A.2. COMPLIANCE ALTERNATIVES AND EXCEPTIONS A-2
A.2.1. Compliance Alternatives A-2
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A.2.3. Requirements for Providing and Maintaining Natural Buffers A-4
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A.3. SMALL RESIDENTIAL LOT COMPLIANCE ALTERNATIVES A-11
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A.1. SITES THAT ARE REQUIRED TO PROVIDE AND MAINTAIN NATURAL BUFFERS AND/OR EQUIVALENT EROSION AND SEDIMENT CONTROLS

The requirement in Part 2.2.1 to provide and maintain natural buffers and/or equivalent erosion and sediment controls applies for any discharges to waters of the state located within 50 feet of your site's earth disturbances. If the water of the state is not located within 50 feet of earth- disturbing activities, Part 2.2.1 does not apply. See Figure A-1.

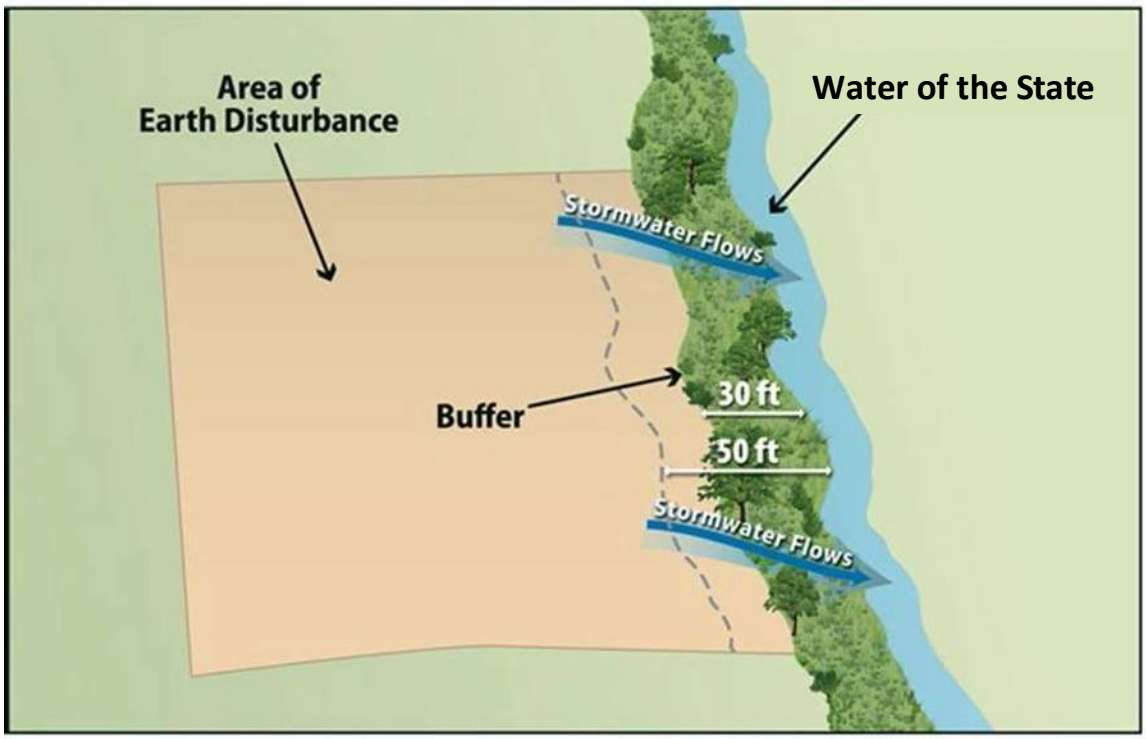

Figure A-1 Example of earth-disturbing activities within 50 feet of a water of the state.

A.2. COMPLIANCE ALTERNATIVES AND EXCEPTIONS

A.2.1. Compliance Alternatives

If Part 2.2.1 applies to your site, you have three compliance alternatives from which you can choose, unless you qualify for any of the exceptions (see below and Part 2.2.1.a):

1. Provide and maintain a 50-foot undisturbed natural buffer; or
2. Provide and maintain an undisturbed natural buffer that is less than 50 feet and supplemented by erosion and sediment controls that achieve the sediment load reduction equivalent to a 50-foot undisturbed natural buffer; or
3. If infeasible to provide and maintain an undisturbed natural buffer of any size, implement erosion and sediment controls to achieve the sediment load reduction equivalent to a 50-foot undisturbed natural buffer.

You must maintain the compliance alternative selected throughout the duration of Permit coverage.

See Part A.2.2 below for exceptions to the compliance alternatives.

See Part A.2.3 for requirements applicable to providing and maintaining natural buffers under compliance alternatives 1 and 2 above.

See Part A.2.4 for requirements applicable to providing erosion and sediment controls that achieve the sediment load reduction equivalent to a 50-foot undisturbed natural buffer under compliance alternatives 2 and 3 above.

A.2.2. Exceptions to the Compliance Alternatives

The following exceptions apply to the requirement to implement one of the Part 2.2.1.a compliance alternatives (see also Part 2.2.1.b):

1. The following disturbances within 50 feet of a water of the state are exempt from the requirements Part 2.2.1 and this Appendix:
   a. Construction approved under a CWA Section 404 permit; or
   b. Construction of a water-dependent structure or water access areas (e.g., pier, boat ramp, trail).
2. If there is no discharge of storm water to waters of the state through the area between the disturbed portions of the site and any waters of the state located within 50 feet of your site, you may choose not to comply with the requirements in Part 2.2.1 and this Appendix. This includes situations where you have implemented controls measures, such as a berm or other barrier that will prevent such discharges.
3. Where no natural buffer exists due to preexisting development disturbances (e.g., structures, impervious surfaces) that occurred prior to the initiation of planning for the current development of the site, you may choose not to comply with the requirements in Part 2.2.1 and this Appendix.

   Where some natural buffer exists but portions of the occupied area within 50 feet of the water of the state by preexisting development disturbances, you must comply with the requirements in Part 2.2.1 and this Appendix. For the purposes of calculating the sediment load reduction for either compliance alternative 2 or 3, you may choose not to compensate for the reduction in buffer function that would have resulted from the area covered by these preexisting disturbances. You can find clarity about how to implement the compliance alternatives for these situations in A.2.3 and A.2.4 below.

   If during your project, you will disturb any portion of these preexisting disturbances, you can deduct the area removed from the area treated as a "natural buffer."
4. For "linear construction projects" (see Definitions), you are not required to comply with this requirement if site constraints (e.g., limited right-of-way) make it infeasible to implement one of the Part 2.2.1.a compliance alternatives, provided that, to the extent feasible, you limit disturbances within 50 feet of any waters of the state and/or you provide supplemental erosion and sediment controls to treat storm water discharges from earth disturbances within 50 feet of the water of the state. You must also document in your SWPPP your rationale for why it is infeasible for you to implement one of the Part 2.2.1.a compliance alternatives, and describe any buffer width retained and supplemental erosion and sediment controls installed.
5. For "small residential lot" construction (i.e., a lot being developed for residential purposes that will disturb less than 1 acre of land, but is part of a larger residential project that will ultimately disturb greater than or equal to 1 acre), you have the option of complying with one of the "small residential lot" compliance alternatives in Part A.3 of this appendix.

   Note that you must document in your SWPPP if any disturbances related to any of the above

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exceptions occurs within the buffer area on your site.

A.2.3. Requirements for Providing and Maintaining Natural Buffers

This part applies to you if you choose compliance alternative 1 (50-foot buffer), compliance alternative 2 (a buffer of < 50 feet supplemented by additional erosion and sediment controls that achieve the equivalent sediment load reduction as the 50-foot buffer), or if you are providing a buffer in compliance with one of the "small residential lot" compliance alternatives in Part A.3.

Buffer Width Measurement

Where you are retaining a buffer of any size, the buffer should measure perpendicularly from any of the following points, whichever is further landward from the water:

1. The ordinary high-water mark of the water body, defined as the line on the shore established by fluctuations of water and indicated by physical characteristics such as a clear, natural line impressed on the bank, shelving, changes in the character of soil, destruction of terrestrial vegetation, and/or the presence of litter and debris; or
2. The edge of the stream or river bank, bluff, or cliff, whichever is applicable.

Refer to Figure A-2 and Figure A-3. You may find that specifically measuring these points is challenging if the flow path of the water of the state changes frequently, thereby causing the measurement line for the buffer to fluctuate continuously along the path of the waterbody. Where this is the case, DWQ suggests that rather than measuring each change or deviation along the water's edge, it may be easier to select regular intervals from which to conduct your measurement. For instance, you may elect to conduct your buffer measurement every 5 to 10 feet along the length of the water.

Additionally, note that if earth-disturbing activities will take place on both sides of a water of the state that flows through your site, to the extent that you are establishing a buffer around this water, you must establish it on both sides. For example, if you choose compliance alternative 1, and your project calls for disturbances on both sides of a small stream, you would need to retain the full 50 feet of buffer on both sides of the water. However, if your construction activities will only occur on one side of the stream, you would only need to retain the 50-foot buffer on the side of the stream where the earth- disturbance will occur.

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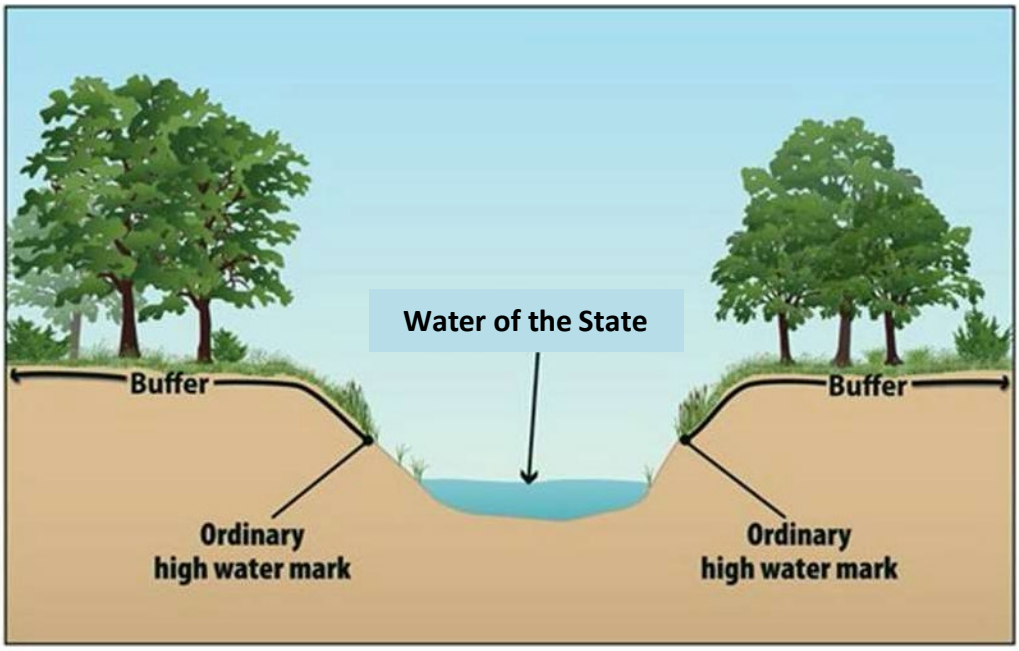

Figure A-2 Buffer measurement from the ordinary high-water mark of the water body, as indicated by a clear natural line impressed on the bank, shelving, changes in the character of the soil, destruction of terrestrial vegetation, and/or the presence of litter/debris.

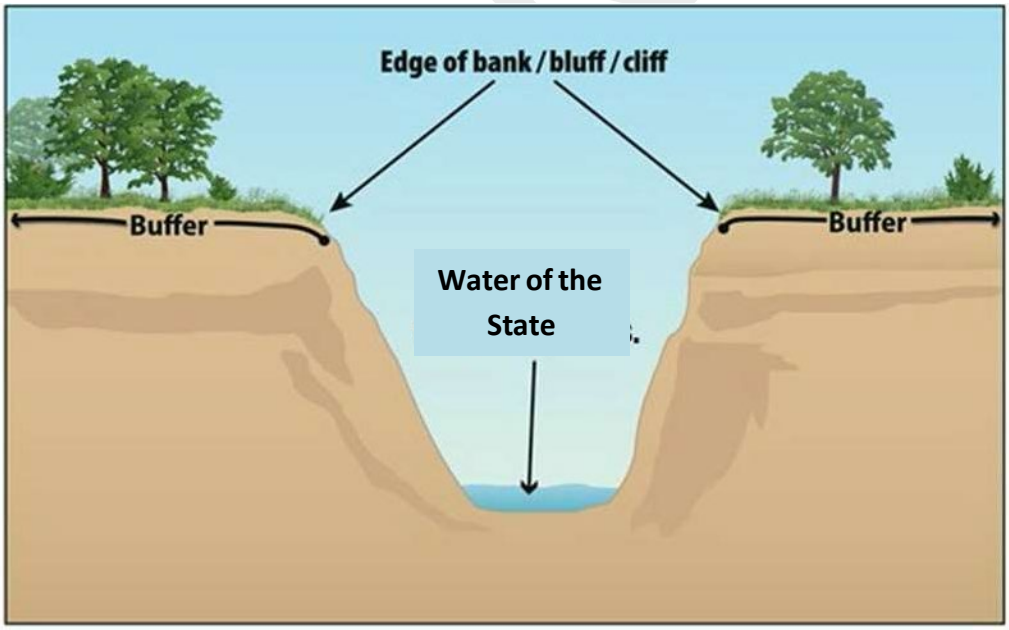

Figure A-3 Buffer measurement from the edge of the bank, bluff, or cliff, whichever is applicable.

Limits to Disturbance Within the Buffer

You are in compliance with the requirement to provide and maintain a natural buffer if you retain and

protect from construction activities the natural buffer that existed prior to the commencement of construction. If the buffer area contains no vegetation prior to the commencement of construction (e.g., sand or rocky surface), you may choose not to plant vegetation. As noted above, any preexisting structures or impervious surfaces may occur in the natural buffer provided you retain and protect from disturbance the buffer areas outside of the preexisting disturbance.

To ensure that you retain the water quality protection benefits of the buffer during construction, you may not conduct any earth-disturbing activities within the buffer during Permit coverage. In furtherance of this requirement, **prior to commencing earth- disturbing activities on your site, you must delineate, and clearly mark off, with flags, tape, or a similar marking device, the buffer area on your site.** The purpose of this requirement is to make the buffer area clearly visible to the people working on your site so that you avoid unintended disturbances.

While you may choose not to enhance the quality of the vegetation that already exists within the buffer, you are encouraged to do so where such improvements will enhance the water quality protection benefits of the buffer. (Note that any disturbances within the buffer related to buffer enhancement are permitted and do not constitute construction disturbances.) For instance, you may want to target plantings where limited vegetation exists, or replace existing vegetation where invasive or noxious plant species (see http://plants.usda.gov/java/noxiousDriver) have taken over. In the case of invasive or noxious species, you may want to remove and replace them with a diversity of native trees, shrubs, and herbaceous plants that are well-adapted to the climatic, soil, and hydrologic conditions on the site. You are also encouraged to limit the removal of naturally deposited leaf litter, woody debris, and other biomass, as this material contributes to the ability of the buffer to retain water and filter pollutants.

If a portion of the buffer area adjacent to the water of the state is owned by another party and is not under your control, you are only required to retain and protect from construction activities the portion of the buffer area that is under your control. For example, if you comply with compliance alternative 1 (provide and maintain a 50-foot buffer), but 10 feet of land immediately adjacent to the water of the U.S. is owned by a different party than the land on which your construction activities are taking place and you do not have control over that land, you must only retain and protect from construction activities the 40-foot buffer area that occurs adjacent to the property on which your construction activities are taking place. DWQ would consider you to be in compliance with this requirement regardless of the activities that are taking place in the 10-foot area that is owned by a different party than the land on which your construction activities are taking place that you have no control over.

Discharges to the Buffer

You must ensure that all discharges from the area of earth disturbance to the natural buffer are first treated by the site's erosion and sediment controls (for example, you must comply with the Part 2.2.3 requirement to install sediment controls along any perimeter areas of the site that will receive pollutant discharges), **and if necessary to prevent erosion caused by storm water flows within the buffer, you must use velocity dissipation devices.** The purpose of this requirement is to decrease the rate of storm water flow and encourage infiltration so that the pollutant filtering functions of the buffer will be achieved. To comply with this requirement, construction operators typically will use devices that physically dissipate storm water flows so that the discharge entering the buffer is spread out and slowed down.

SWPPP Documentation

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You are required to document in your SWPPP the natural buffer width that is retained. For example, if you are complying with alternative 1, you must specify in your SWPPP that you are providing a 50-foot buffer. Or, if you will be complying with alternative 2, you must document the reduced width of the buffer you will be retaining (and you must also describe the erosion and sediment controls you will use to achieve an equivalent sediment reduction, as required in Part A.2.4 below). Note that you must also show any buffers on your site map in your SWPPP consistent with Part 7.3.3.h. Additionally, if any disturbances related to the exceptions in Part A.2.2 occur within the buffer area, you must document this in the SWPPP.

A.2.4 Guidance for Providing the Equivalent Sediment Reduction as a 50-foot Buffer

This part applies to you if you choose compliance alternative 2 (provide and maintain a buffer that is less than 50 feet that is supplemented by erosion and sediment controls that achieve the sediment load reduction equivalent to a 50-foot buffer) or compliance alternative 3 (implement erosion and sediment controls to achieve the sediment load reduction equivalent to a 50-foot buffer).

Determine Whether it is Feasible to Provide a Reduced Buffer

EPA recognizes that there will be a number of situations in which it will be infeasible to provide and maintain a buffer of any width. While some of these situations may exempt you from the buffer requirement entirely (see A.2.2), if you do not qualify for one of these exemptions, there still may be conditions or circumstances at your site that make it infeasible to provide a natural buffer. For example, there may be sites where a significant portion of the property on which the earth-disturbing activities will occur is located within the buffer area, thereby precluding the retention of natural buffer areas.

Therefore, you should choose compliance alternative 2 if it is feasible for you to retain some natural buffer on your site. (Note: For any buffer width retained, you are required to comply with the requirements in Part A.2.3, above, concerning the retention of vegetation and restricting earth disturbances.) Similarly, if you determine that it is infeasible to provide a natural buffer of any size during construction, you should choose alternative 3.

Design Controls That Provide Equivalent Sediment Reduction as 50-foot Buffer

You must next determine what additional controls must be implemented on your site that, alone or in combination with any retained natural buffer, achieve a reduction in sediment equivalent to that achieved by a 50-foot buffer.

Note that if only a portion of the natural buffer is less than 50 feet, you are only required to implement erosion and sediment controls that achieve the sediment load reduction equivalent to the 50-foot buffer for discharges through that area. You would not be required to provide additional treatment of storm water discharges that flow through 50 feet or more of natural buffer. See Figure A-4.

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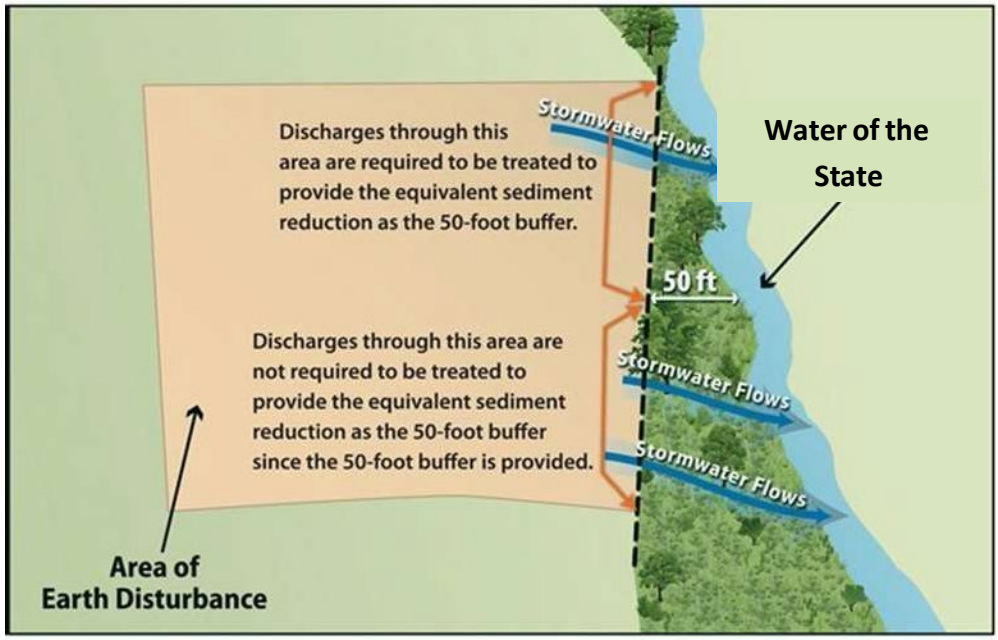

Figure A-4 Example of how to comply with the requirement to provide the equivalent sediment reduction when only a portion of your earth-disturbances discharge to a buffer of less than 50- feet.

Steps to help you meet compliance alternative 2 and 3 requirements are provided below.

Step 1 - Estimate the Sediment Reduction from the 50-foot Buffer

In order to design controls that match the sediment removal efficiency of a 50-foot buffer, you first need to know what this efficiency is for your site. The sediment removal efficiencies of natural buffers vary according to a number of site-specific factors, including precipitation, soil type, land cover, slope length, width, steepness, and the types of erosion and sediment controls used to reduce the discharge of sediment prior to the buffer. EPA has simplified this calculation by developing buffer performance tables covering a range of vegetation and soil types for the areas covered by the CGP. See Attachment 1 of this Appendix, Tables A-8 and A-9. Note: buffer performance values in Tables A-8 and A-9 represent the percent of sediment captured through the use of perimeter controls (e.g., silt fences) and 50-foot buffers at disturbed sites of fixed proportions and slopes.[47] The number of tables has been reduced since many were irrelevant

[47] EPA used the following when developing the buffer performance tables:

- The sediment removal efficiencies are based on the U.S. Department of Agriculture's RUSLE2 ("Revised Universal Soil Loss Equation 2") model for slope profiles using a 100-foot long denuded slopes.
- Sediment removal was defined as the annual sediment delivered at the downstream end of the 50-foot natural buffer (tons/yr/acre) divided by the annual yield from denuded area (tons/yr/acre).
- As perimeter controls are also required by the Permit, sediment removal is in part a function of the reduction due to a perimeter control (i.e., silt fence) located between the disturbed portion of the site and the upstream edge of the natural buffer and flow traveling through a 50-foot buffer of undisturbed natural vegetation. (footnote continues on next page).

and Table A-8 for Idaho most closely represents northern Utah, and Table A-9 for New Mexico most closely represents southern Utah.

Using Table A-8 for northern Utah or A-9 for southern Utah (see Attachment 1 of this Appendix), you can determine the sediment removal efficiency of a 50-foot buffer for your geographic area by matching the vegetative cover type that best describes your buffer area and the type of soils that predominate at your site. For example, if your site is located in Idaho (northern Utah --Table A-8), and your buffer vegetation corresponds most closely with that of tall fescue grass, and the soil type at your site is best typified as sand, your site's sediment removal efficiency would be 44 percent.

In this step, you should choose the vegetation type in the tables that most closely matches the vegetation that would exist naturally in the buffer area on your site regardless of the condition of the buffer. However, because you are not required to plant any additional vegetation in the buffer area, in determining what controls are necessary to meet this sediment removal equivalency in Step 2 below, you will be able to take credit for this area as a fully vegetated "natural buffer."

Similarly, if a portion of the buffer area adjacent to the water of the state is owned by another party and is not under your control, you can treat the area of land not under your control as having the equivalent vegetative cover and soil type that predominates on the portion of the property on which your construction activities are occurring.

> *For example, if your earth-disturbances occur within 50 feet of a water of the state, but the 10 feet of land immediately adjacent to the water of the state is owned by a different party than the land on which your construction activities are taking place and you do not have control over that land, you can treat the 10 foot area adjacent to the stream as having the equivalent soil and vegetation type that predominates in the 40 foot area under your control. You would then make the same assumption in Step 2 for purposes of determining the equivalent sediment removal (which would be 44% in this case).*

Alternatively, you may do your own calculation of the effectiveness of the 50-foot buffer based upon your site-specific conditions, and may use this number as your sediment removal equivalency standard to meet instead of using Tables A-8 and A-9. This calculation must be documented in your SWPPP.

Step 2 - Design Controls That Match the Sediment Removal Efficiency of the 50-foot Buffer

Once you determine the estimated sediment removal efficiency of a 50-foot buffer for your site in Step 1, you must next select storm water controls that will provide an equivalent sediment load reduction.

- It was assumed that construction sites have a relatively uniform slope without topographic features that accelerate the concentration for erosive flows.
- It was assumed that vegetation has been removed from the disturbed portion of the site and a combination of cuts and fills have resulted in a smooth soil surface with limited retention of near-surface root mass.

To represent the influence of soil, EPA analyzed 11 general soil texture classifications in its evaluation of buffer performance. To represent different types of buffer vegetation, EPA evaluated 4 or more common vegetative types for each state/territory covered under the Permit. For each vegetation type evaluated, EPA considered only permanent, non-grazed, and non-harvested vegetation, on the assumption that a natural buffer adjacent to the water of the U.S. will typically be undisturbed. EPA also evaluated slope steepness and found that sediment removal efficiencies present in Tables A-8 and A-9 are achievable for slopes that are less than nine percent.

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These controls can include the installation of a single control, such as a sediment pond or additional perimeter controls, or a combination of storm water controls. Whichever control(s) you select, you must demonstrate in your SWPPP that the controls will provide at a minimum the same sediment removal capability as a 50-foot natural buffer (Step 1).

You may take credit for the removal efficiencies of your required perimeter controls in your calculation of equivalency, because these were included in calculating the buffer removal efficiencies in Tables C-8 through C-9. (Note: You are reminded that the controls must be kept in effective operating condition until you complete final stabilization on the disturbed portions of the site discharging to the water of the state).

To make the determination that your controls and/or buffer area achieve an equivalent sediment load reduction as a 50-foot buffer, you should use a model or other type of calculation. As mentioned above, there are a variety of models available that can be used to support your calculation, including USDA's RUSLE-series programs and the WEPP erosion model, SEDCAD, SEDIMOT, or other models. An example is provided in Attachment 3 to help illustrate how this determination could be made.

If you retain a buffer of less than 50 feet, you may take credit for the removal that will occur from the reduced buffer and only need to provide additional controls to make up the difference between the removal efficiency of a 50-foot buffer and the removal efficiency of the narrower buffer. For example, if you retain a 30-foot buffer, you can account for the sediment removal provided by the 30-foot buffer retained, and you will only need to design controls to make up for the additional removal provided by the 20 feet of buffer that is not being provided. To do this, you would plug the width of the buffer that is retained into RUSLE or another model, along with other storm water controls that will together achieve a sediment reduction equivalent to a natural 50-foot buffer.

As described in Step 1 above, you can take credit for the area you retained as a "natural buffer" as being fully vegetated, regardless of the condition of the buffer area.

> *For example, if your earth-disturbances occur 30 feet from a water of the state, but the 10 feet of land immediately adjacent to the water of the U.S. is owned by a different party than the land on which your construction activities are taking place and you do not have control over that land, you can treat the 10-foot area as a natural buffer, regardless of the activities that are taking place in the area. Therefore, you can assume (for purposes of your equivalency calculation) that your site is providing the sediment removal equivalent of a 30-foot buffer, and you will only need to design controls to make up for the additional removal provided by the 20-foot of buffer that is not being provided.*

Step 3 - Document How Site-Specific Controls Will Achieve the Sediment Removal Efficiency of the 50-foot Buffer

In Steps 1 and 2, you determined both the expected sediment removal efficiency of a 50-foot buffer at your site, and you used this number as a performance standard to design controls to be installed at your site, which alone or in combination with any retained natural buffer, achieves the expected sediment removal efficiency of a 50-foot buffer at your site. The final step is to document in your SWPPP the information you relied on to calculate the equivalent sediment reduction as an undisturbed natural buffer.

DWQ will consider your documentation to be sufficient if it generally meets the following:

1. For Step 1, refer to the table in Attachment 1 that you used to derive your estimated 50-foot buffer

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sediment removal efficiency performance. Include information about the buffer vegetation and soil type that predominate at your site, which you used to select the sediment load reduction value in Tables A-8 and A-9. Or, if you conducted a site-specific calculation for sediment removal efficiency, provide the specific removal efficiency, and the information you relied on to make your site-specific calculation.

2. For Step 2, (1) Specify the model you used to estimate sediment load reductions from your site; and (2) the results of calculations showing how your controls will meet or exceed the sediment removal efficiency from Step 1.

If you choose compliance alternative 3, you must also include in your SWPPP a description of why it is infeasible for you to provide and maintain an undisturbed natural buffer of any size.

A.3. SMALL RESIDENTIAL LOT COMPLIANCE ALTERNATIVES

EPA has developed two additional compliance alternatives applicable only to "small residential lots" that are unable to provide and maintain a 50-foot buffer.

The following steps describe how a small residential lot operator would achieve compliance with one these 2 alternatives.

> A small residential lot (Common Plan Lot) is a lot or grouping of lots being developed for residential purposes that will disturb less than 1 acre of land, but that is part of a larger residential project that will ultimately disturb greater than or equal to 1 acre.

A.3.1. Small Residential Lot Compliance Alternative Eligibility

In order to be eligible for the small residential lot compliance alternatives, the following conditions must be met:

1. The lot or grouping of lots meets the definition of "small residential lot"; and
2. The operator must follow the guidance for providing and maintaining a natural buffer in Part A.2.3 of this Appendix, including:
   a. Ensure that all discharges from the area of earth disturbance to the natural buffer are first treated by the site's erosion and sediment controls, and use velocity dissipation devices if necessary to prevent erosion caused by storm water within the buffer;
   b. Document in the SWPPP the natural buffer width retained on the property, and show the buffer boundary on your site plan; and
   c. Delineate, and clearly mark off, with flags, tape, or other similar marking device, all natural buffer areas.

A.3.2. Small Residential Lot Compliance Alternatives

You must next choose from one of two small residential lot compliance alternatives and implement the storm water control practices associated with that alternative.

Note: The compliance alternatives provided below are not mandatory. Operators of small residential lots can alternatively choose to comply with the any of the options that are available to other sites in Part 2.2.1.a and A.2.1 of this Appendix.

Small Residential Lot Compliance Alternative 1

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Alternative 1 is a straightforward tiered-technology approach that specifies the controls that a small residential lot must implement based on the buffer width retained. To meet the requirements of small residential lot compliance alternative 1, you must implement the controls specified in Table A-1 based on the buffer width to be retained. See footnote 48, below, for a description of the controls you must implement.

For example, if you are an operator of a small residential lot that will be retaining a 35-foot buffer and you choose Small Residential Lot Compliance Alternative 1, you must implement double perimeter controls between earth disturbances and the water of the state.

In addition to implementing the applicable control, you must also document in your SWPPP how you will comply with small residential lot compliance alternative 1.

Table A-1 Alternative 1 Requirements[43]

Retain 50-foot Buffer	Retain <50 and >30 Buffer	Retain ≤ 30-foot buffer
No Additional Requirements	Double Perimeter Controls	Double Perimeter Controls and 7-Day Site Stabilization

Small Residential Lot Compliance Alternative 2

Alternative 2 specifies the controls that a builder of a small residential lot must implement based on both the buffer width retained and the site's sediment discharge risk. By incorporating the sediment risk, this approach may result in the implementation of controls that are more appropriate for the site's specific conditions.

Step 1 – Determine Your Site's Sediment Risk Level

To meet the requirements of Alternative 2, you must first determine your site's sediment discharge "risk level" based on the site's slope, location, and soil type. To help you to determine your site's sediment risk level, EPA developed five different tables for different slope conditions. You should select the table that most closely corresponds to your site's average slope.

For example, if your site's average slope is 7 percent, you should use Table C-4 to determine your site's sediment risk.

[48] Description of Additional Controls Applicable to Small Residential Lot Compliance Alternatives 1 and 2:

1. **No Additional Requirements**: If you implement a buffer of 50 feet or greater, then you are not subject to any additional requirements. Note that you are required to install perimeter controls between the disturbed portions of your site and the buffer in accordance with Part 2.2.3.
2. **Double Perimeter Control**: In addition to the reduced buffer width retained on your site, you must provide a double row of perimeter controls between the disturbed portion of your site and the water of the U.S. spaced a minimum of 5 feet apart.
3. **Double Perimeter Control and 7-Day Site Stabilization**: In addition to the reduced buffer width retained on your site and the perimeter control implemented in accordance with Part 2.2.3, you must provide a double row of perimeter controls between the disturbed portion of your site and the water of the U.S. spaced a minimum of 5 feet apart, and you are required to complete the stabilization activities specified in Parts 2.2.14 within 7 calendar days of the temporary or permanent cessation of earth-disturbing activities

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After you determine which table applies to your site, you must then use the table to determine the "risk level" (e.g., "low", "moderate", or "high") that corresponds to your site's location and predominant soil type.[49]

For example, based on Table C-3, a site located in Northern Utah with a 4 percent average slope and with predominately sandy clay loam soils would fall into the "low" risk level.

Table A-2 Risk Levels for Sites with Average Slopes of ≤ 3 Percent

Location \ Soil Type	Clay	Silty Clay Loam or Clay-Loam	Sand	Sandy Clay Loam, Loamy Sand or Silty Clay	Loam, Silt, Sandy Loam or Silt Loam
Idaho (Northern Utah)	Low	Low	Low	Low	Low
New Mexico (Southern Utah)	Low	Low	Low	Low	Low

Table A-3 Risk Levels for Sites with Average Slopes of > 3 Percent and ≤ 6 Percent

Location \ Soil Type	Clay	Silty Clay Loam or Clay-Loam	Sand	Sandy Clay Loam, Loamy Sand or Silty Clay	Loam, Silt, Sandy Loam or Silt Loam
Idaho (Northern Utah)	Low	Low	Low	Low	Low
New Mexico (Southern Utah)	Low	Low	Low	Low	Moderate

Table A-4 Risk Levels for Sites with Average Slopes of > 6 Percent and ≤ 9 Percent

Location \ Soil Type	Clay	Silty Clay Loam or Clay-Loam	Sand	Sandy Clay Loam, Loamy Sand or Silty Clay	Loam, Silt, Sandy Loam or Silt Loam
Idaho (Northern Utah)	Low	Low	Low	Low	Low
New Mexico (Southern Utah)	Low	Low	Low	Low	Moderate

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[49] One source for determining your site's predominant soil type is the USDA's Web Soil Survey located at http://websoilsurvey.nrcs.usda.gov/app/WebSoilSurvey.aspx.

Table A-5 Risk Levels for Sites with Average Slopes of > 9 Percent and ≤ 15 Percent

Soil Type / Location	Clay	Silty Clay Loam or Clay-Loam	Sand	Sandy Clay Loam, Loamy Sand or Silty Clay	Loam, Silt, Sandy Loam or Silt Loam
Idaho (Northern Utah)	Low	Low	Low	Low	Low
New Mexico (Southern Utah)	Low	Moderate	Low	Moderate	Moderate

Table A-6 Risk Levels for Sites with Average Slopes of > 15 Percent

Soil Type / Location	Clay	Silty Clay Loam or Clay-Loam	Sand	Sandy Clay Loam, Loamy Sand or Silty Clay	Loam, Silt, Sandy Loam or Silt Loam
Idaho (Northern Utah)	Low	Low	Low	Low	Moderate
New Mexico (Southern Utah)	Moderate	Moderate	Moderate	Moderate	High

Step 2 – Determine Which Additional Controls Apply

Once you determine your site's "risk level", you must next determine the additional controls you need to implement on your site, based on the width of buffer you plan to retain. Table A-7 specifies the requirements that apply based on the "risk level" and buffer width retained. See footnote 40, above, for a description of the additional controls that are required.

For example, if you are the operator of a small residential lot that falls into the "moderate" risk level, and you decide to retain a 20-foot buffer, using Table A-7 you would determine that you need to implement double perimeter controls to achieve compliance with small residential lot compliance alternative 2.

You must also document in your SWPPP your compliance with small residential lot compliance alternative 2.

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Table A-7. Alternative 2 Requirements

Risk Level Based on Estimated Soil Erosion	Retain ≥ 50' Buffer	Retain < 50' and > 30' Buffer	Retain ≤ 30' and >10' Buffer	Retain ≤ 10' Buffer
Low Risk	No Additional Requirements	No Additional Requirements	Double Perimeter Control	Double Perimeter Control
Moderate Risk	No Additional Requirements	Double Perimeter Control	Double Perimeter Control	Double Perimeter Control and 7-Day Site Stabilization
High Risk	No Additional Requirements	Double Perimeter Control	Double Perimeter Control and 7-Day Site Stabilization	Double Perimeter Control and 7-Day Site Stabilization

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ATTACHMENT 1

Sediment Removal Efficiency Tables[50]

EPA recognizes that very high removal efficiencies, even where theoretically achievable by a 50-foot buffer, may be very difficult to achieve in practice using alternative controls. Therefore, in the tables below, EPA has limited the removal efficiencies to a maximum of 90%. Efficiencies that were calculated at greater than 90% are shown as 90%, and this is the minimum percent removal that must be achieved by alternative controls.

For the Utah CGP only the tables for Idaho and New Mexico are shown. The table for Idaho substitutes for northern Utah and the table for New Mexico substitutes for southern Utah.

Table A-8 Estimated 50-foot Buffer Performance in Idaho* (Northern Utah)

Type of Buffer Vegetation **	Estimated % Sediment Removal				
	Clay	Silty Clay Loam or Clay-Loam	Sand	Sandy Clay Loam, Loamy Sand or Silty Clay	Loam, Silt, Sandy Loam or Silt Loam
Tall Fescue Grass	42	52	44	48	85
Medium-Density Weeds	28	30	28	26	60
Low-Density Warm-Season Native Bunchgrass (i.e., Grama Grass)	25	26	24	24	55
Northern Mixed Prairie Grass	28	30	28	26	50
Northern Range Cold Desert Shrubs	28	28	24	26	50

*** Applicable for sites with less than nine percent slope**
**** Characterization focuses on the under-story vegetation**

[50] The buffer performances were calculated based on a denuded slope upgradient of a 50-foot buffer and a perimeter controls, as perimeter controls are a standard requirement (see Part 2.2.3).

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Table A-9 Estimated 50-foot Buffer Performance in New Mexico* (Southern Utah)

Type of Buffer Vegetation **	Estimated % Sediment Removal				
	Clay	Silty Clay Loam or Clay-Loam	Sand	Sandy Clay Loam, Loamy Sand or Silty Clay	Loam, Silt, Sandy Loam or Silt Loam
Tall Fescue Grass	71	85	80	86	90
Medium-Density Weeds	56	73	55	66	78
Low-Density Warm-Season Native Bunchgrass (i.e., Grama Grass)	53	70	51	62	67
Southern Mixed Prairie Grass	53	71	52	63	50
Southern Range Cold Desert Shrubs	56	73	55	65	53

* Applicable for sites with less than nine percent slope
** Characterization focuses on the under-story vegetation

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ATTACHMENT 2

Using the Sediment Removal Efficiency Tables – Questions and Answers

– **What if my specific buffer vegetation is not represented in Tables A-8 and A-9?** Tables A-8 and A-9 provide a range of factors affecting buffer performance; however, there are likely instances where the specific buffer vegetation type on your site is not listed. If you do not see a description of the type of vegetation present at your site, you should choose the vegetation type that most closely matches the vegetation type on your site. You can contact your local Cooperative Extension Service Office (http://nifa.usda.gov/partners-and-extension-map) for assistance in determining the vegetation type in Tables C-8 through C-9 that most closely matches your site-specific vegetation.

– **What if there is high variability in local soils?** EPA recognizes that there may be a number of different soil type(s) on any given construction site. General soil information can be obtained from USDA soil survey reports (http://websoilsurvey.nrcs.usda.gov) or from individual site assessments performed by a certified soil expert. Tables A-8 and A-9 present eleven generic soil texture classes, grouping individual textures where EPA has determined that performance is similar. If your site contains different soil texture classes, you should use the soil type that best approximates the predominant soil type at your site.

– **What if my site slope is greater than 9 percent after final grade is reached?** As indicated in the buffer performance tables, the estimated sediment removal efficiencies are associated with disturbed slopes of up to 9 percent grade. Where your graded site has an average slope of greater than 9 percent, you should calculate a site-specific buffer performance.

– **How do I calculate my own estimates for sediment reduction at my specific site?** If you determine that it is necessary to calculate your own sediment removal efficiency using site- specific conditions (e.g., slopes at your site are greater than 9 percent), you can use a range of available models that are available to facilitate this calculation, including USDA's RUSLE- series programs and the WEPP erosion model, SEDCAD, SEDIMOT, or other equivalent models.

– **What is my estimated buffer performance if my site location is not represented by Tables A-8 and A-9?** If your site is located in an area not represented by Tables A-8 and A-9, you should use the table that most closely approximates conditions at your site (Table A-8 generally represents northern Utah, Table A-9 generally represents southern Utah). You may instead choose to conduct a site-specific calculation of the buffer performance.

– **What if only a portion of my site drains to the buffer area?** If only a portion of your site drains to a water of the State, where that water is within 50 feet of your earth disturbances, you are only required to meet the equivalency requirement for the storm water flows corresponding to those portions of the site. See Attachment 3 for an example of how this is expected to work.

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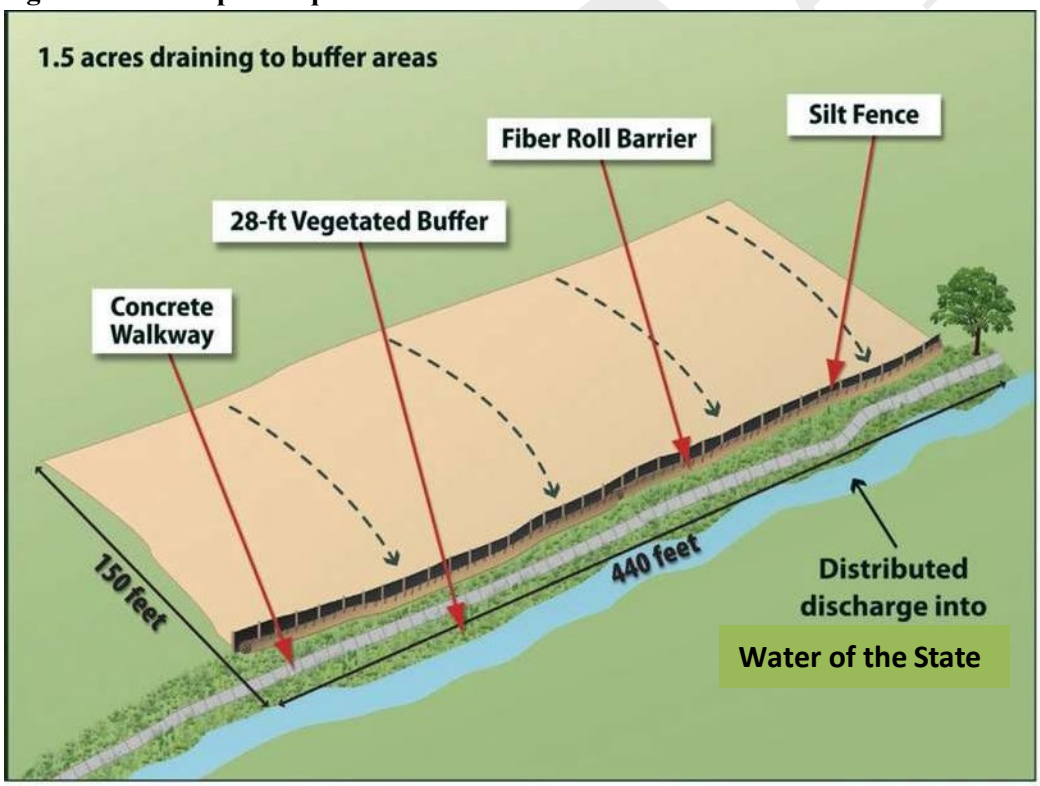
ATTACHMENT 3

Example of How to Use the Sediment Removal Efficiency Tables

Arid Location With Pre-existing Disturbances in the Natural Buffer (6.5-acre site located in southern Utah).

An operator of a site in southern Utah determines that it is not feasible to provide a 50-foot buffer, but a 28-foot buffer can be provided. Because the operator will provide a buffer that is less than 50 feet, the operator must determine which controls, in combination with the 28-foot buffer, achieve a sediment load reduction equivalent to the 50-foot buffer. In this example, the project will disturb 6.5 acres of land, but only 1.5 acres of the total disturbed area drains to the buffer area. Within the 28-foot buffer area is a preexisting concrete walkway. The equivalence analysis starts with Step 1 in Part A.2.4 of this Appendix with a review of the southern Utah buffer performance (Table A-9). The operator determines that the predominate vegetation type in the buffer area is prairie grass, the soil type is similar to silt, and the site is of a uniform, shallow slope (e.g., 3 percent grade). Although the operator will take credit for the disturbance caused by the concrete walkway as a natural buffer in Step 2, here the operator can treat the entire buffer area as being naturally vegetated with prairie grass. Based on this information, the operator refers to Table A-9 to estimate that the 50-foot buffer would retain 50 percent of eroded soil.

Figure A-5 Example – Equivalent Sediment Load Reductions at a 6.5 ac Site in Southern Utah.



The second step is to determine, based on the 50 percent sediment removal efficiency found in Table A- 9, what sediment controls, in combination with the 28-foot buffer area, can be implemented to reduce sediment loads by 50 percent or more. The operator does not have to account the reduction in buffer function caused by the preexisting walkway, and can take credit for the entire 28-foot buffer being fully vegetated in the analysis. For

this example, using the RUSLE2 profile model, the operator determined that installing a fiber roll barrier between the silt fence (already required by Part 2.2.3) and the 28-foot buffer will achieve an estimated 84 percent sediment removal efficiency. See Figure A-5. Note that this operator is subject to the requirement in Part A.2.3 of this Appendix to ensure that discharges through the silt fence, fiber roll barrier, and 28-foot buffer do not cause erosion within the buffer. The estimated sediment reduction is greater than the required 50 percent; therefore, the operator will have met the buffer alternative requirement.

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