

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

**General Storm Water Permit for Construction Activity Connected with Single Lot Housing Projects  
Utah Pollution Discharge Elimination System Permit No. UTRH00000 (Common Plan Permit).**

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 for single lot housing projects disturbing one acre or less and part of a common plan of development or sale (defined in Part 6) 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 6) until final stabilization (defined in Part 6).

This permit shall become effective on February 1, 2026.

This permit and the authorization to discharge expire at midnight on January 31, 2031.

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, the project must meet the eligibility conditions and follow the requirements for applying for Permit coverage in this Part.

### 1.1 Coverage Limitations

**1.1.1 Eligibility:** A project site (see definition of a project site in Part 6) is eligible for this permit if it meets the following requirements:

- a. It is found within the State of Utah but is not in Indian Country; and
- b. The construction activity is related to a residential building on an individual lot or parcel; and
- c. It disturbs a total of one acre or less over the duration of the construction project; and
- d. It is part of a common plan of development that ultimately disturbs one or more acres of land.

**1.1.2 Multiple Lot Coverage:** If multiple lot coverage is desired under one permit, it may be obtained under the Construction General Permit for Discharges from UPDES Permit No. UTRC00000 (CGP). Multiple lots may be covered under one number (one permit coverage) provided that UTRC00000 is the controlling permit, and all lots covered under that tracking number are within the same sub-division. The CGP is located here: [UPDES Construction General Permit Number UTRC00000](#).

**1.1.3 High Risk Sites:** For high risk sites the oversight authority (defined in Part 6) may require the permittee to obtain coverage under the CGP instead of using this permit if any of the following high-risk conditions are present on site:

- a. The project site is located within 50 feet of any perennial surface water; or
- b. The project site has 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 stockpiles).

### 1.2 Discharges Authorized Under this Permit

**1.2.1 Discharges Allowed:** Discharges associated with construction activity under Utah Admin. Code R317-8-11.3(1)(a) or 11.3(6)(e) are permitted under this permit, provided that all storm water controls are designed, installed, and maintained per the permit requirements (See Part 2).

**1.2.2 Non-Storm Water Discharges Allowed:** The following non-storm water discharges are allowed, provided that compliance with all applicable requirements outlined in Part 2 are met:

- a. Flushing from potable or irrigation water sources where they have not been used for a washing or cleaning activity;
- b. Water used for dust control;
- c. Discharges from emergency fire-fighting activities;

- d. Spring water and groundwater that have not been mixed with sediment or other pollutants from construction activity;
- e. Discharge from footing drains that has not been mixed with sediment or other pollutants from construction activity; and,
- f. Water used for washing vehicles, equipment, or external building surfaces is permitted, so long as no soaps, solvents, or detergents are discharged, and the surfaces do not contain hazardous substances.

**1.2.3 Construction Dewatering:** Construction dewatering can occur onsite without an additional UPDES permit if it is infiltrated or contained onsite and is not discharged offsite. Otherwise, construction dewatering discharges shall be permitted under the General Permit for Construction Dewatering and Hydrostatic Testing UPDES Permit UTG070000, which can be obtained online through submittal of an NOI at <https://cdx.epa.gov/cdx/>.

### **1.3 Prohibited Discharges**

To prevent the discharges in this Part, operators shall comply with the applicable pollution prevention requirements in Part 2.2. The following discharges are prohibited:

- a. Wastewater from washing tools and vehicles after pouring, preparing, or finishing concrete.
- b. Wastewater from washing and/or cleanout of stucco, paint, concrete, form release oils, curing compounds, and other construction materials;
- c. Fuels, oils, or other pollutants used in vehicle and equipment operation and maintenance;
- d. Soaps, solvents, or detergents used in vehicle and equipment washing or external building washdown; and
- e. Toxic or hazardous substances from a spill or other release.

### **1.4 Water Quality Standards**

Through the design, installation and maintenance of appropriate Best Management Practices (BMPs), it is expected that the permittee shall achieve compliance with water-quality standards. If additional information becomes available indicating a project site is causing or is contributing to a violation of water quality standards or an existing total maximum daily load (TMDL), coverage under this permit may be revoked or rescinded, and the permittee may be required to get coverage under an individual UPDES permit or another UPDES general permit. If this occurs, the owner and the general contractor will be notified in writing by the Director and given instructions on how they shall proceed.

### **1.5 Impaired Waters**

The NOI process requires that the permittee determines if the watershed being discharged into is impaired or if it is considered high quality. Only the first surface water discharged to is used to determine if the discharge enters an impaired or high-quality waterbody. For discharges that enter a stormwater system before being discharged to a surface water, the first water of the state

is the waterbody that ultimately receives the stormwater from the storm sewer system. Please refer to water quality information at <https://deq.utah.gov/water-quality/water-quality-assessment-map>. If the first receiving water from the site is impaired by sediment or nutrients, BMPs shall be implemented to minimize and prevent the discharge of those pollutants.

## **1.6 Notice of Intent (NOI)**

The permittee shall first develop a Storm Water Pollution Prevention Plan (SWPPP) (see Part 4), then submit a complete and accurate NOI, and pay the Permit fee. The NOI shall be filled out electronically using EPA's NPDES eReporting Tool (NeT) at <https://cdx.epa.gov/cdx/> online permit application system.

The NeT system can also be accessed online at the Utah Division of Water Quality webpage [Construction Storm Water Permit \(UPDES\) - Utah Department of Environmental Quality](#). Refer to the help files and resources available on the webpage for further instruction. Once the NOI submission is processed, the contacts provided in the NOI will receive written authorization to discharge, which includes the UPDES permit number and a downloadable copy of both the NOI and Authorization to Discharge Letter as proof of coverage.

All NOI application packages, including Authorization to Discharge letters and SWPPPs shall 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 6).

- 1.6.1 Waiver and Paper Submission Option:** A NeT online submission is mandatory unless the applicant qualifies for a waiver; for example, if the applicant's operational headquarters is in a broadband-underserved area or if the applicant has limited computer access. To request a waiver, submit a written, signed request (in accordance with Part 5.9) to the DWQ that clearly identifies the qualifying circumstance. If a waiver is granted, the applicant will be given a paper NOI form to complete and mail in, along with the permit fee, to the Division of Water Quality at PO Box 144870, Salt Lake City, Utah 84114-4870.
- 1.6.2 Signature on the NOI:** The NOI shall be signed by an authorized signatory as required in Part 5.9, whether submitted online or via a paper waiver. Typically, this signature comes from either the owner or the general contractor.
- 1.6.3 Permit Renewal:** This permit shall be renewed annually on the anniversary date of the original NOI submission by logging into the NeT account with signatory or managing roles for the permit, updating any information as needed, and paying the annual permit fee. Renewal is required until all construction is complete, and the conditions specified in Part 1.6.7 are met.
- 1.6.4 Start and End of Permit Coverage:** Permit coverage begins immediately upon submission of an NOI and payment of the permit fee. If the NOI is submitted electronically, coverage begins on the same day that the NOI is submitted and the Authorization to Discharge Letter is received. For mailed NOI submissions, coverage

begins when DWQ staff receive and enter the NOI into the online database, generating an Authorization to Discharge Letter with the applicable coverage dates. The permit will remain effective until one of the following occurs:

- a. The permittee completes the Notice of Termination (NOT) process, as outlined in section 1.6.7;
- b. The permittee fails to renew the permit or pay the annual permit fee; or,
- c. The director rescinds or revokes Permit coverage for the project site.

**1.6.5 NOI Modification Requirements:** If the information submitted in the NOI is or becomes inaccurate, the permittee shall submit a “Change NOI” form through NeT that includes the updated or corrected information. If the permittee had been granted a waiver from electronic reporting, the permittee shall request a paper NOI modification form from the DWQ to complete to complete and mail in to the address listed in Part 1.6.1.

**1.6.6 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 a comparable permit is issued. Permit coverage will continue under this Permit until the earliest of the following occurs:

- 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) 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 the permittee of any relevant changes to this Permit.

**1.6.7 Notice of Termination (NOT):** When the project is completed, the permittee shall terminate permit coverage by submitting a NOT via NeT unless the permittee had been granted a waiver from electronic reporting. The NOT shall be filed and retained for 3 years after the permit has been terminated (see Part 3.5.1). The permittee shall submit a NOT within 30 calendar days after any one of the following conditions occurs:

- a. Final stabilization is achieved, meaning landscaping is complete and the site meets the “final stabilization” criteria (defined in Part 6);
- b. For residential projects where final stabilization has not been established, the building shall be complete and either in process of being sold or ready for homeowner occupancy. In these cases, the lot shall have perimeter controls on downslope boundaries and stabilization controls on all surfaces with slopes of 20% (1 to 5 slope, or 11.3 degrees) or greater to prevent erosion and soil migration offsite; or,

Expired permits that meet the conditions outlined for termination are required to submit a NOT in NeT even if the 30-day window for submitting a NOT has lapsed.

Termination is finalized when an MS4 or the DWQ approves the final inspection for the project confirming conditions meet NOT requirements.

#### **1.7 Requirement to Post a Notice of Permit Coverage**

The permittee shall post a sign near the project site entrance that includes the UPDES tracking number, the name and contact information (a business-hours phone number or an email address checked and responded to within 24 hours on weekdays) for the owner or general contractor and in the case of an electronic SWPPP, a web address or information on how to access the document. The notice shall be posted with lettering large enough to be readable from a public right-of-way.



## 2. GENERAL STORM WATER CONTROL REQUIREMENTS

The permittee shall design, install, and maintain storm water controls (BMPs) as required in Part 2.1 and Part 2.2 to minimize the discharge of pollutants in storm water from construction activities.

### 2.1 Erosion and Sediment Controls

Implement erosion and sediment controls to minimize the discharge of sediment off-site as outlined below.

- 2.1.1 Stockpiled Materials:** Stockpiled material should be stored away from impervious surfaces, especially near natural buffers, constructed or natural drainage features, storm drain inlets, and areas with concentrated storm water flow. If material must be stored on an impervious surface, only materials that are unlikely to be washed away, such as two-inch graded and washed gravel, may remain there. Any other materials shall be removed by the end of the day, with the holding area swept clean. If stored for more than a day, materials shall be placed as far as practicable from roads, impervious surfaces, storm water inlets, or water bodies with appropriate perimeter runoff controls, and a sediment barrier shall be installed along all downgradient edges of stockpiled soil or land-clearing debris piles.
- 2.1.2 Perimeter Controls:** Install perimeter controls such as silt fences, straw wattles, other filter berms, cut back curbs, vegetative buffers, etc., along the downslope edge of the project to prevent sediment from leaving the site during a storm event. To prevent stormwater from bypassing controls, install these controls along the slope's contour and extend both ends upslope at approximately a 45° angle to form a crescent shape rather than a straight line. Remove accumulated sediment before it reaches half the height of the control.
- 2.1.3 Inlet Protection:** Protect storm-drain inlets on the project site and on adjacent roads immediately downslope if they receive drainage from the active construction site. Inlet protection may include rock wattles, sand or gravel bags, and other proprietary devices. Be aware that sand or gravel bags and rock wattles are susceptible to damage, for example, by snowplows during the winter, and may require regular maintenance or replacement. 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 it was discovered.
- 2.1.4 Track Out Controls:** Restrict vehicle access to designated exit points and use appropriate stabilization techniques at all points that exit onto paved areas. Track-out controls (defined in Part 6), a track-out pad for example (defined in Part 6), shall be used to prevent dirt and mud from being tracked onto streets as vehicles leave the site. If traffic to and from the site is infrequent, the 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

attributable to the site operations. Do not wash or hose off tracked-out dirt or mud into storm drains; instead, sweep or scrape the area as needed each day (see Part 3.2.2).

- a. *Curb Ramps*: This permit prohibits the intentional placement of dirt and/or mud on paved streets or sidewalks. Curb ramps may be crushed rock, wood, steel, or other proprietary systems designed to remain stable under storm water flow conditions.

**2.1.5 Managing the Site to Minimize Offsite Sediment Discharge:** This may be accomplished using experience, estimates, and good judgment; unless unusual or extraordinary site conditions present a potential for excessive erosion, hillside/impoundment collapse, environmental/safety hazards, or other site problems; for which a professional engineer shall be consulted.

- a. Preserve naturally vegetated areas whenever possible by limiting soil disturbance to only what is necessary to complete each construction stage. When feasible, direct storm water to these vegetated areas to maximize infiltration and filtering.
- b. Preserve topsoil and place on areas to be landscaped or areas planned for receiving vegetative cover, unless infeasible. Minimize soil compaction on areas that will not be used for support of structural elements such as roads, parking areas, structures, etc. by restricting vehicle and equipment use in these locations, unless infeasible.
- c. Minimize soil disturbances on steep slopes. For this permit, a steep slope is defined as 70% (or 1:1.66, or 35 ° degrees) or greater. Avoid disturbing soils on steep slopes; if disturbance is necessary, install a robust stabilizing cover (such as geomats, soil erosion control blankets, or other effective controls) to prevent erosion.
- d. Control storm water volume and velocity to minimize erosion along constructed or natural drainage channels, embankments, outlets, adjacent streambanks, and slopes. Install erosion controls and velocity dissipation devices, such as check dams, sediment traps, and riprap, along these features to slow runoff and reduce erosion.

**2.1.6 Provide and Maintain Natural Buffers or Equivalent Controls:** Provide a 50-foot natural vegetative buffer between construction activities and any waterbody that is inside or within 50 feet of project boundaries. If maintaining a 50-foot natural buffer is not feasible, retain as much natural vegetation as possible and install additional erosion and sediment controls in compliance with the alternatives listed below.

Substitution for a natural buffer can be calculated with models such as USDA's RUSLE2 or WEPP, or by using SEDCAD, SEDIMOT, or other similar models. In lieu of using a model for calculation of an appropriate substitution control, the permittee shall choose one of the alternatives below based on the retained buffer width:

- (1) If a 50-foot buffer is retained, no additional controls are required.
- (2) If a buffer between 30 and 50 feet is retained, install double perimeter controls.
- (3) If the retained buffer is 30 feet or less, install double perimeter controls spaced at least 5 feet apart and complete the required stabilization activities (per Part 2.1.7) within 7 calendar days of ceasing earth-disturbing activities.

Ensure that all discharges from the earth-disturbed area into the natural buffer are first treated by the site's erosion and sediment controls. Use velocity dissipation devices where needed to reduce storm water energy within the buffer.

Note that the natural buffer or substitute control requirement only applies to areas within the project boundaries; for example, if a waterbody is located within 20 feet of the project boundary, the permittee shall provide a 30- foot natural vegetative buffer or equivalent substitute controls.

**2.1.7 Stabilization Requirement:** Implement and maintain stabilization measures that minimize erosion from any areas of exposed soils on the site as follows:

- a. *Stabilization requirements for areas that receive greater than 20 inches of rainfall annually:* Begin installing stabilization measures on any exposed soil where construction has stopped permanently or will be inactive for 30 or more days. Do this as soon as possible and no later than the 30th day of inactivity and complete the installation within 30 days of initiation. For vegetative stabilization, stabilization is achieved when all seeding or planting tasks are complete, including any necessary non-vegetative cover (e.g., mulch or erosion control blanket). For non-vegetative stabilization, it is achieved once all required measures have been applied.
- b. *Stabilization or equivalent requirements for arid and semi-arid areas (areas receiving less than 20 inches of rainfall annually):* Begin stabilization measures as soon as site conditions allow. For vegetative stabilization, stabilization is achieved when all seeding or planting tasks are complete, including any necessary non-vegetative cover (e.g., mulch or erosion control blanket). For non-vegetative stabilization, it is achieved once all required measures have been applied.
- c. *Areas with steep slopes:* Install temporary non-vegetative stabilization measures, (e.g., mulch, erosion control blanket or other erosion protection devices) as needed to prevent erosion on steep slopes.

**2.2 Pollution Prevention Controls**

Implement pollution prevention controls to minimize the discharge of pollutants off-site as outlined in this Part.

**2.2.1 Vehicle, Wheel, and Other Washing:** Minimize the discharge of pollutants from equipment and vehicle washing, wheel-wash water, and other wash waters. Ensure there is no discharge of soaps, solvents, or detergents in equipment and vehicle wash water.

**2.2.2 Exposure to Pollutants:** Minimize the exposure of building products and materials not intended for outdoor use, construction waste, trash (see Part 2.2.4), fertilizers, pesticides, herbicides, detergents, sanitary waste (see Part 2.2.5), fuel, oil and other petroleum products present on the site to precipitation and to storm water runoff.

- 2.2.3 Leaks and Spills:** Prevent the discharge of pollutants from spills and leaks by implementing procedures for preventing and responding to chemical leaks and spills (e.g., spill kits or absorbent materials).
- 2.2.4 Waste and Debris:** Provide sufficient waste containers (such as dumpsters or trash receptacles) to accommodate all construction and domestic waste. The site shall be cleaned of waste and debris on business days per daily site check requirements (see Part 3.2.2). Waste and debris shall be contained and secured adequately to prevent scattering from wind until it is removed from the site and disposed of properly.
- 2.2.5 Portable Toilet:** Portable toilets shall be tied down, staked down, or secured using other measures to prevent them from being tipped or knocked over. They shall be placed at least 10 feet away from a constructed or natural drainage feature, inlet, curb and gutter, or waterbody. If maintaining a minimum 10-foot separation is not possible, evaluate the need for additional controls such as secondary containment, additional surface preparation, or berms. Implement additional controls as appropriate.
- 2.2.6 Washing of Concrete, Stucco, and Paint Equipment:** Provide a lined, leak-proof pit or a rigid, leak-proof container for washout of equipment used for concrete, stucco, and water-based paints. Allow washout liquids to evaporate and send the remaining solids to a landfill. Dispose of oil-based paint cleanout into designated containers that are taken off-site and disposed of separately. Do not dump liquid waste on the ground for infiltration purposes nor allow it to enter any constructed or natural drainage features, storm drain inlets, or waters of the state.

### 3. SITE INSPECTION REQUIREMENTS

#### 3.1 Inspector Qualifications

The person(s) inspecting the site shall be a qualified person.

**3.1.1 Qualified Person:** A qualified person is a person knowledgeable about the principles and practices of erosion and sediment controls and pollution prevention, and who has the skills to:

- a. Assess conditions at the construction site that could impact storm water quality;
- b. Assess the effectiveness of any storm water control measures selected to control the quality of storm water discharges from the construction activity.

#### 3.2 Frequency of Inspections

**3.2.1 Weekly Site Inspections:** Site inspections shall occur at least once every seven (7) calendar days. A written report is required (see Part 3.3.3).

**3.2.2 Daily Site Check:** The permittee shall ensure that the streets remain free of dirt and that the site is kept clear of trash and debris each day of construction activity. If streets become soiled, they shall be swept clean<sup>1</sup>, and any dirt shall be removed from the street, not swept or washed into the storm drain system. Trash on the site shall be collected and disposed of in designated trash containers (see Part 2.2.4).

#### 3.3 Weekly Site Inspection Requirements

**3.3.1 Areas Requiring Inspection:** The following areas and items shall be inspected during site inspections:

- a. Areas that have been cleared, graded, or excavated and are not stabilized.
- b. All storm water control measures, including perimeter controls, stockpiles, waste-disposal containers, washout areas, portable toilets, track out pads, egress points (if any), etc.
- c. Storm water conveyances through the site, treatment areas, and drainages.
- d. All storm water discharge points, street gutters, storm water inlets.
- e. Areas that have been temporarily stabilized (Areas that have been permanently stabilized and are completed do not need further inspections).

**3.3.2 Inspection Requirements:** Site inspections shall include the following observations:

- a. Ensure all erosion and sediment controls and other pollution prevention controls that have been installed, are operational, and are working as intended to minimize pollutant discharges. Determine if any controls need to be replaced, repaired, or maintained.

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<sup>1</sup> "Swept clean" means the area has been swept and scraped. If sweeping leaves behind crusted dirt, it should be scraped off. This does not require removing the microscopic layer of dust or small amounts of dirt in the cracks and crevices of the surface left behind that result in some staining on the pavement.

- b. Identify any locations where new or modified storm water controls are necessary.
- c. Identify signs of visible erosion and sedimentation (i.e., sediment deposits) that have occurred and are attributable to discharges from the site.

**3.3.3 Weekly Inspection Reports:** The weekly site-inspection report shall be written within 24 hours of the inspection and include the following:

- a. Name of the person doing the inspection,
- b. The date of the inspection,
- c. The weather during the inspection,
- d. Any issues found that require routine maintenance or corrective action (as they pertain to Parts 3.3.1 and 3.3.2 above; see Part 3.4 regarding corrective action),
- e. All self-inspection reports shall be filed with other permit records and be available during an oversight inspection.

### **3.4 Corrective Actions**

**3.4.1 Conditions Triggering Corrective Action:** The permittee shall take corrective action to address any of the following conditions at the site:

- a. A storm water control needs repair or replacement from any inspection.
- b. A storm water control necessary to comply with the terms of this permit was not installed or installed incorrectly.
- c. The site's discharges do not meet applicable water quality standards, or a prohibited discharge has occurred.

**3.4.2 Corrective Action Due Dates:** Corrective actions shall be completed before the next weekly inspection date. Corrective actions stemming from an inspection by an oversight authority may be given at the discretion of the inspector but shall be completed prior to the next rain event or 7 days, whichever is sooner.

### **3.5 General Conditions**

**3.5.1 Record Keeping:** Records regarding inspection reports and associated corrective actions shall be preserved for 3 years after the submission of an NOT (see Part 5.18).

**3.5.2 Electronic Oversight Inspections:** Permittees may opt for electronic oversight inspections by the oversight authority by capturing geo-located, time-stamped photographs and submitting them electronically to the oversight authority. Refer to the [Operator Electronic Inspection Guide](#) for more information.

## 4. STORM WATER POLLUTION PREVENTION PLAN (SWPPP)

### 4.1 General Requirements

The permittee shall prepare a SWPPP before submitting an NOI. The SWPPP shall describe all the applicable stormwater controls used on site as required in Part 2.

**4.1.1 SWPPP Site Design:** Design storm water control measures by considering factors such as the amount, frequency, intensity and duration of precipitation; the nature of resulting storm water runoff; and soil characteristics, including the range of soil particle sizes expected to be present onsite. These may be accomplished using experience, estimates, and good judgement, unless unusual or extraordinary site conditions create hazards for which a professional engineer shall be consulted.

**4.1.2 Availability of the SWPPP:** The SWPPP shall be kept at the site or at an easily accessible location so that it may be made 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, the permittee shall post notice of the plan's location near the main entrance of the construction site.

The SWPPP may be stored electronically so long as personnel on-site have access and it may be made immediately accessible to the inspector during an inspection to the same extent as a paper copy stored at the site would be.

### 4.2 Contents of a SWPPP

At a minimum, the SWPPP shall include the information specified in this Part.

**4.2.1 Contacts:** Site contact information (name, address, telephone, email) including the owner, general contractor, and any other party that significantly affects the implementation of the SWPPP or has responsibilities over the SWPPP.

**4.2.2 Sequence and Estimated Dates of Construction Activities:** List construction activities in order with their estimated dates, including the following:

- a. Start and end of excavation activities, initial excavation, backfill excavation and final grading;
- b. Any temporary or permanent cessation of earth-disturbing activities;
- c. Start and end of landscaping if this is done as part of the construction activity before the home is sold.

**4.2.3 Site Map or Chart:** A site map may be hand drawn (as close to scale as possible) or copied from an architect's drawing, provided it includes the following information:

- a. Boundaries of the property;
- b. Boundaries of soil surface disturbances, including any outside the boundaries of the property;
- c. Slopes, including areas of steep slopes;

- d. Locations of stockpiles of soils, storage of construction materials, portable toilets, trash containers, concrete washout pits or containers, egress points, and track out pads;
- e. Waterbodies, wetlands, and natural buffer areas;
- f. Locations and types of BMPs or storm water control measures for the control and/or treatment of storm water flowing onto, through, and/or offsite;
- g. Locations of storm water inlets, storm water discharge points going offsite;
- h. Areas that will be temporarily or permanently stabilized during the construction period

**4.2.4 Fifty-Foot Natural Buffer:** If a 50-foot buffer cannot be maintained, the SWPPP shall specify the actual width of natural buffer maintained, the compliance alternative chosen, the alternative control measures to be installed, and detailed explanation of why a natural buffer could not be applied.

**4.2.5 Receiving Water:** The SWPPP shall identify the first receiving water that the site discharges into, whether the water is impaired, and if so, what the impairment is for. Information about receiving waters and impairments can be found at <https://deq.utah.gov/water-quality/water-quality-assessment-map>.

**4.2.6 Pollutants:** A list of construction site pollutants including the pollutant-generating activity, and an inventory of pollutants for each pollutant-generating activity (e.g., paints, solvents, form oil, fuels, and other chemicals; applications, materials, and liquids that if released could pollute storm water).

**4.2.7 Description of Storm Water Control Measures:** For each erosion and sediment control and pollution prevention requirement applicable to the site, select the appropriate control(s) and supply details regarding proper installation. The DWQ SWPPP template includes a list of pollution prevention controls and corresponding installation guidelines. However, if proprietary devices are used, provide separate installation specifications or manufacturer guidance as needed to ensure their effectiveness and compliance with permit requirements. In the SWPPP document, clearly describe the selected controls and include detailed installation guidelines or specifications.

**4.2.8 Waste Management:** Waste management procedures including soil removal, clearing debris removal, demolition removal, trash disposal, construction-waste disposal, and sanitary-waste disposal.

**4.2.9 Training:** The permittee will ensure that each subcontractor or utility provider is aware of their responsibilities for keeping soil on the site and preventing pollution. The permittee ultimately responsible for the performance of subcontractors and utility providers and may be fined for violations. Consideration will be given if the permittee can document when and what instructions were given to the subordinate party.



**4.2.10 Authorization to Discharge Documentation:** The SWPPP shall contain a copy of this permit and a copy of the Authorization to Discharge Letter associated with the NOI for the project.

**4.2.11 SWPPP Certification:** The SWPPP shall be signed and certified in accordance with Part 5.9.

#### **4.3 Required Modifications of the SWPPP**

**4.3.1 SWPPP Modification Requirements:** The SWPPP shall be modified when information displayed in the SWPPP is deficient based on the following conditions:

- a. Information is inadequate or missing in the SWPPP,
- b. Changes in the SWPPP are necessary for compliance with this permit; or,
- c. When an oversight authority determines that the SWPPP is not adequate based on missing a required SWPPP or permit item, not addressing pollutants, not being up to date and reflecting current site conditions, or not being clear, thorough, and understandable.

**4.3.2 SWPPP Modifications Deadline:** Modifications to the SWPPP from inspections or oversight authority direction shall occur before or during the next weekly inspection.

## **5. STANDARD PERMIT CONDITIONS**

### **5.1 Duty to Comply**

The permittee shall 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.

### **5.2 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.<sup>46</sup> Except as provided in Part 5.11.1, nothing in this Permit shall be construed to relieve the permittee of the civil or criminal penalties for noncompliance.

### **5.3 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.

### **5.4 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.

### **5.5 Upset Conditions**

**5.5.1 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 5.5.2. 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.

**5.5.2 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 5.11.4; and
- d. The permittee complied with any remedial measures required under Part 5.4.

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

## **5.6 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.

## **5.7 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 it is issued by the Director.

## **5.8 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.

## **5.9 Signatory Requirements**

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

### **5.9.1 Signatories:** 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 or 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).

**5.9.2 Signature Requirements:** 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.

**5.9.3 Duly Authorized Representative:** 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 individual occupying a named position.

**5.9.4 Changes to authorization:** If an authorization under Part 5.9.2 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 5.9.2 shall be submitted to the Director prior to or together with any reports, information, or applications to be signed by an authorized representative.

**5.9.5 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.

## **5.10 Penalties for Falsification of Report**

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.

## 5.11 Reporting Requirements

**5.11.1 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 shall 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(12).

**5.11.2 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.

**5.11.3 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.

**5.11.4 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 5.11.1) 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:
  - (1) The noncompliance which may endanger health or the environment; or
  - (2) Any upset which exceeds any effluent limitation in the Permit (see Part 5.5);
- 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.

**5.11.5 Availability of Reports:** Except for data determined to be confidential under Utah Admin. Code R317-8-3.3, 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.

#### **5.12 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.

#### **5.13 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.

#### **5.14 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.

#### **5.15 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.)

#### **5.16 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 Transportation regulations.

#### **5.17 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 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.

#### **5.18 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 shall continue to provide access to copies of records required to be kept by this Permit as described in Part 5.8.

#### **5.19 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).

#### **5.20 Inspection and Entry**

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.

**5.20.1 Allowing Access to Site:** 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 shall be kept under the conditions of this Permit;
- b. Have access to and copy, at reasonable times, any records that shall 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;

## 6. DEFINITIONS AND ACRONYMS

### 6.1 Definitions

*Arid Areas:* areas with an average annual rainfall of 0 to 10 inches.

*Authorization to Discharge Letter:* the receipt generated when a Notice of Intent (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.

*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.

*Business Day:* for the purposes of this Permit, a business day is a calendar day on which construction activities will take place.

*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).

*Common Plan of Development or sale:* a plan to subdivide a parcel of land into separate parts for separate sale. This can be for 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 the Common Plan of Development for Permit Purposes:

For UPDES storm water permit purposes, a common plan shall have been initiated after October 1992. A common plan of development or sale remains 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 development or sale until they are completed, stabilized, and fulfilled according to the purposes of the plan.

*Construction Activity:* Earth-disturbing activities, such as the clearing, grading, and excavation of



land.

*Construction Support Activities:* a construction-related activity that specifically supports 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.

*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.

*Dewatering:* the act of draining rainwater and/or groundwater from building foundations, vaults, and trenches (Note: if dewatering is occurring on a construction site and it causes a discharge to waters of the State, it shall be permitted separately under the General Permit for Construction Dewatering and Hydrostatic Testing, UPDES Permit UTG070000).

*Director:* the director of the Division of Water Quality, 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 this permit, the location where collected and concentrated storm water flows are discharged from the construction site.

*Discharge to an Impaired Water:* For this Permit, a discharge to an impaired water occurs if the first water of the State to which the project discharges to 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 discharged to 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.

*Final Stabilization:* All disturbed areas shall 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 2.1.7 of this permit, including the provisions for permanent stabilization.

*Impervious Surface:* For this permit, any land surface with a low or no capacity for water infiltration including, but not limited to, pavement, sidewalks, parking areas, driveways, or rooftops.

*Indian Country:* Defined at 40 CFR §122.2 as follows:

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:* Infeasible means not technologically possible or not economically practicable and achievable considering best industry practices. DWQ notes that it is not intentional for permit storm water control efforts required in the permit to conflict with State water rights law. In the case of conflict, State water rights law supersedes.

*Install or Installation:* When used in connection with storm water controls, to connect or set in position storm water controls to make them operational.

*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 (MS4):* A storm-sewer system 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 storm water that discharges to waters of the State (e.g., Sandy City owns and operates the MS4 within the jurisdiction of Sandy City, or essentially Sandy City is the MS4).

*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 before earth-disturbing activities begin.

*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.

*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 this Permit, storm water controls are made "operational" when they have been installed and implemented, are functioning as designed, and are 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 of the site, sometimes it is a lessee); 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).

*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.

*Oversight Authority:* Oversight authorities for storm water permits are agents from the EPA, DWQ or the Municipal Separate Storm Sewer System (MS4) of jurisdiction, when they are addressing compliance of storm water permits.

*Permittee:* The owner and/or the general contractor (those that signed on the NOI), for the project.

*Pollutant:* Defined by the NPDES Program 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 as follows:

- Sediment
- Nutrients
- Heavy metals
- Pesticides and herbicides
- Oil and grease
- Bacteria and viruses
- Trash, debris, and solids

- Treatment polymers
- Any other toxic chemicals

*Project Site:* A project site is not necessarily contained within the property boundaries designated for the final construction objective, or property owned by the owner of the project. The project site includes all areas affected by the construction process where disturbances, storage, or other construction activity occurs. If an area outside of property boundaries is used for the construction process, DWQ assumes the permittee has the right to access and use that area and the permittee shall also meet permit requirements in that area.

*Receiving Water:* A “Water(s) of the State” is as defined in UAC R317-1-1, into which the regulated storm water discharges (see waters of the State listed below).

*Semi-Arid Areas:* Areas with an average annual rainfall of between 10 and 20 inches.

*Site:* For construction activities, the land or water area where earth-disturbing activities take place, including construction support activities.

*Spill:* For 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.

*Stormwater:* Means storm water runoff, snowmelt runoff, and surface runoff and drainage.

*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 Control Measure:* Refers to any storm water control, BMP, or other method used to prevent or reduce the discharge of pollutants to waters of the state.

*Storm Water Inlet:* An entrance or opening to a storm water conveyance system, generally placed below grade to receive storm water drainage from the surrounding area.

*Subcontractor:* For this Permit, an individual or company that performs a portion of the contract for the general contractor or for another subcontractor.

*Surface Water:* For this Permit a surface water is defined as 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.

*Storm Water Pollution Prevention Plan (SWPPP):* 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.

*Total Maximum Daily Load (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 discharge, 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 measures.

*Track Out Control:* A measure used at construction sites to prevent dirt, mud and other debris from being tracked onto roads by vehicles.

*Track Out Pad:* A track out pad is normally a 4 to 6-inch layer of cobble rocks or gravel, sometimes over fabric to prevent dirt and mud from mixing with rock or gravel. It is sized to accommodate the tires of all vehicles leaving a construction site, and its purpose is to flex and shake the tires to dislodge mud and dirt. Track out pads shall be stirred or worked to move mud or dirt collected to the bottom and keep the rock or gravel surface clean and effective.

*Utah Pollutant Discharge Elimination System (UPDES):* The State of Utah's program for issuing, modifying, revoking and reissuing, 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.

*Waters of the State:* All streams, lakes, ponds, marshes, watercourses, waterways, wells, springs, irrigation systems, drainage systems, and all other bodies or accumulations of water, surface and underground, natural or artificial, public or private, that 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 that 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 (see Utah Code Annotated, 19-5-102(23)(a) &(b), and UAC R317-1-1).

## **6.2 Acronyms**

*BMP* – Best Management Practice

*CGP* – Construction General Permit

*C.F.R.* – Code of Federal Regulations

*CWA* – Clean Water Act

*DEQ* – Department of Environmental Quality

*DWQ* – Division of Water Quality

*EPA*- United State Environmental Protection Agency

*MS4*- Municipal Separate Storm Sewer System

*Net* – EPA’s NPDES eReporting Tool

*NOI* – Notice of Intent

*NOT* – Notice of Termination

*NPDES* – National Pollutant Discharge Elimination System

*SW* – Storm Water

*SWPPP* – Storm Water Pollution Prevention Plan TMDL – Total Maximum Daily Load

*UAC* – Utah Admin. Code

*UPDES* – Utah Pollution Discharge Elimination System

*UWQA* – Utah Water Quality Act