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STATE OF UTAH DEPARTMENT OF ENVIRONMENTAL QUALITY

DIVISION OF WATER QUALITY

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

General Permit for Discharges from Small Municipal Separate Storm Sewer Systems

UPDES PERMIT NUMBER UTR090000

This General Permit (“Permit”) is issued in compliance with the provisions of the Utah Water Quality Act, Utah Code Title 19, Chapter 5, (the “Act”) and the Federal Water Pollution Control Act (33 U.S.C. §§ 1251 et. seq., as amended to date), and the rules and Regulations made pursuant to those statutes.

This Permit authorizes storm water discharges to waters of the state of Utah resulting from a Small Municipal Separate Storm Sewer System (“Small MS4”) as provided in Part 1.0 of this Permit. This authorization is conditioned upon an operator of a Small MS4 meeting the eligibility requirements in Part 1.2 of this Permit prior to filing a Notice of Intent (“NOI”) to discharge under this Permit. An operator of a Small MS4 is not covered by this Permit if the operator submits an NOI but has not met these conditions.

This authorization is subject to the authority of the Director of the Division of Water Quality to reopen this Permit (*see* Part 6.21 of this Permit), or to require a discharger to obtain an individual Permit (*see* Part 6.14 of this Permit). The issuance of a discharge Permit authorization under this Permit does not relieve Permittees of other duties and responsibilities under the Act or rules made under that Act. Significant terms used in this Permit are defined in Part 7.0 of this Permit.

This renewed Permit shall become effective **DATE.**

This Permit and the authorization to discharge shall expire at 11:59 p.m. on May 11th, 2031, except as described in Part 6.3 of this Permit.

Signed this **DATE**

Candice A. Hasenyager, P.E.
Director

UPDES GENERAL PERMIT FOR DISCHARGES FROM
SMALL MUNICIPAL SEPARATE STORM SEWER SYSTEMS

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P/N D R A F F T

1.0 Coverage Under this Permit

1.1 Authority to Discharge

This Permit authorizes the discharge, of storm water and limited non-storm water to waters of the state as identified in Part 1.2 from a Small Municipal Separate Storm Sewer Systems (“MS4”) as defined in R317-8-1.6(15) and Part 7.0. This authorization is subject to all of the terms and conditions of this Permit. This Permit does not authorize discharges prohibited under Part 1.4.

1.2 Permit Area and Eligibility

1.2.1. This Permit covers all areas of the State of Utah.

1.2.1.1. No operator of a Small MS4 as described in Title 40 of the Code of Federal Regulations (“40 C.F.R.”) 122.32 may discharge from that system without authorization from the Director. *See* Utah Admin. Code Section R317-8-11(11.3)(1)(h), which sets forth the Permitting requirement, and Utah Admin. Code R317-8-1(1.10)(12), which incorporates 40 C.F.R. § 122.32 by reference. Authorization to discharge under the terms and conditions of this Permit is granted if:

1.2.1.1.1. The operator is a Small MS4 within the State of Utah, as defined in Part 7.0.

1.2.1.1.2. The operator is not a “large” or “medium” MS4, as defined in 40 C.F.R. §§ 122.26(b)(4) or (7);

1.2.1.1.3. The operator submits an NOI in accordance with Part 2.0;

1.2.1.1.4. The MS4 is located fully or partially within an urbanized area as determined by the latest Decennial Census by the Bureau of Census;

1.2.1.1.5. The operator is ordered by the Director to obtain coverage under this Permit, as provided in the UPDES rules, Utah Admin. Code R317-8-11(11.3)(8).

1.2.2. This Permit covers the following authorized discharges:

1.2.2.1. *Storm water discharges.* This Permit authorizes storm water discharges to waters of the state from the Small MS4s identified in Part 1.2.1, except as excluded in Part 1.4.

1.2.2.2. *Non-storm water discharges.* This Permit authorizes the following non-storm water discharges unless the Permittee or the Director identifies these discharges as significant sources of pollutants to waters of the state or as causing or contributing to a violation of water quality standards: (1) Water line flushing; (2) Landscape irrigation; (3) Diverted stream flows; (4) Rising ground waters; (5) Uncontaminated ground water infiltration; (6) Uncontaminated pumped ground water; (7) Discharges from potable water sources; (8) Foundation drains; (9) Air conditioning condensate; (10) Irrigation water; (11) Springs; (12) Water from crawl space pumps; (13) Footing drains; (14) Lawn watering runoff; (15) Individual residential car washing; (16) Flows from riparian habitats and wetlands; (17) Dechlorinated swimming pool discharges; (18) Residual street wash water; (19) Dechlorinated water reservoir discharges; and (20) Discharges or flows from emergency firefighting activity.

1.3 Local Agency Authority

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

1.4. Prohibited Discharges

Permittees are prohibited from discharging:

- 1.4.1. Discharges that are mixed with sources of non-storm water unless such non-storm water discharges are in compliance with a separate UPDES Permit or are determined, by the Director, not to be a substantial contributor of pollutants to waters of the state.
- 1.4.2. Storm water discharges associated with industrial activity as defined in Utah Admin. Code R317-8-11(11.3)(6)(c).
- 1.4.3. Storm water discharges associated with construction activity as defined in Utah Admin. Code R317-8-11(11.3)(6)(e).
- 1.4.4. Discharges currently covered under another UPDES Permit.
- 1.4.5. Discharges that would cause or contribute to in-stream exceedances of water quality standards as identified in Utah Admin. Code R317-2-14.
- 1.4.6. Discharges of any pollutant into any waters of the state for which a Total Maximum Daily Load (“TMDL”) has been approved by the Environmental Protection Agency (“EPA”), unless the discharge is consistent with the TMDL. This consistency determination applies at the time a NOI is submitted. If conditions change after coverage is issued, the coverage may remain active provided the Permittee complies with the conditions and requirements of Part 3.1.

2.0 Notice of Intent Requirements for New Applicants and Renewal Permittees

2.1. Requirements for New Applicants

- 2.1.1. “New Applicants” are defined as Permittees not covered under the previous General Permit for Storm Water Discharges from Small MS4s.
- 2.1.2. New Applicants that have assumed operational control of an MS4 for which coverage under this Permit was previously held by a separate Person may be directed to comply with the Permit requirements in this Permit as directed for Renewal Permittees. Notification shall be made by the Director of this requirement in writing to the New Applicant prior to issuance of Permit coverage.
- 2.1.3. New Applicants shall submit, with its NOI, a Storm Water Management Plan (“SWMP”) that meets the requirements in Part 4.0.
- 2.1.4. New Applicants shall create a SWMP which includes implementation of the six minimum control measures, including development of Measurable Goals, as described in Part 4.2. Measurable Goals for each of the minimum control measures shall include, at a minimum, the year by which the Permittee will undertake required actions, including: interim milestones and the frequency of the action (if applicable).
- 2.1.5. New Applicants shall begin implementation of the SWMP as described in the Permittee’s NOI within 30 days after the completed NOI is submitted.
- 2.1.6. New Applicants shall fully develop and implement the SWMP as described in the Permittee’s NOI by the end of the Permit term unless a more restrictive timeframe is indicated.
 - 2.1.6.1. New Applicants shall have five (5) years from the date of their submitted NOI to develop, fully implement, and enforce their SWMP.
- 2.1.7. New Applicants shall sign the SWMP in accordance with the certification and signature requirements in Part 6.14.

2.2. Requirements for Renewal Permittees

- 2.2.1. “Renewal Permittees” are defined as Permittees covered under the previous General Permit for Storm Water Discharges from Small MS4s.
- 2.2.2. Renewal Permittees shall submit a revised SWMP to the Director within **180 days** of the effective date of this Permit, which includes at a minimum, the following information:
 - 2.2.2.1. Permit number;
 - 2.2.2.2. MS4 location description and map;
 - 2.2.2.3. Information regarding the overall water quality concerns, priorities, measurable goals, and interim milestones specific to the Permittee that were considered in the development and/or revisions to the SWMP;
 - 2.2.2.4. A description of the program elements that will be implemented, or are already being implemented, in each of the six minimum control measures, described in Part 4.0;

- 2.2.2.5. A description of any modifications to ongoing processes implemented in accordance with the previous Permit for each of the six minimum control measures;
- 2.2.2.6. A description of how the Permittee has met existing requirements of the Permit as described in Part 4.0 by referencing existing program areas that already meet Permit requirements. This description shall include specific details for complying with the required items in each of the six minimum control measures contained within the SWMP, as described in Part 4.2.
- 2.2.2.7. A description of measurable goals that include, as appropriate, the year by which the Permittee will achieve required actions for any new Permit requirements, including interim milestones. This description shall include specific details for complying with the required items in each of the six minimum control measures contained within the SWMP document as described in Part 4.2.
- 2.2.2.8. A description of the roles and responsibilities of all offices, departments, Directors, or sub-sections, and if necessary other responsible entities. The SWMP shall also include any necessary agreements, contracts, or memorandum of understanding (“MOUs”) between said entities that affect the implementation and operation of the SWMP.
- 2.2.2.9. Indication of the joint submittal(s) of Co-Permittees, if applicable, and the associated responsibility(ies) in meeting requirements of the SWMP.
- 2.2.2.10. Certification and signature requirements in accordance with Part 6.14.
- 2.2.3. Renewal Permittees shall have fully implemented each of the six (6) minimum control measures as required in the previous Permit term.
- 2.2.4. Renewal Permittees shall continue to implement its SWMP while making updates pursuant to Part 2.2.2.
- 2.2.5. All requirements contained in this renewal Permit are effective immediately unless an alternative timeframe is indicated. This Permit does not extend the compliance deadlines set forth in the previous Permit unless specifically noted.

2.3. Notice of Intent Contents and Submittal

- 2.3.1. New Applicants shall submit an NOI electronically within 180 days of notification from the Director using EPA’s NPDES eReporting Tool (“NeT”) unless the Director grants a waiver from electronic reporting. NeT may be accessed at <https://cdx.epa.gov/cdx/>.
- 2.3.2. Renewal Permittees shall submit an NOI electronically at least 180 days prior to the expiration date of the previous permit using NeT unless the Director grants a waiver from electronic reporting. NeT may be accessed at <https://cdx.epa.gov/cdx/>.
- 2.3.3. Late submittal of an NOI is a violation of this Permit unless permission has been granted, in writing, by the Director. If a late NOI is submitted, authorization is only for discharges that occur after Permit coverage is obtained. The Director reserves the right to take appropriate enforcement actions for any unpermitted discharges.
- 2.3.4. The NOI, available on NeT, requires the following information:

- 2.3.4.1. Name, address, and telephone number of the principal executive officer, ranking elected official or other duly authorized employee in charge of municipal resources used for implementation of the SWMP;
- 2.3.4.2. Identification of waters of the state, as defined by Utah Code § 19-5-102(23), that receive discharges from the Permittee's MS4;
- 2.3.4.3. Name of the person responsible for overseeing implementation and coordination of the SWMP;
- 2.3.4.4. Summary description of the overall water quality concerns, priorities, and measurable goals specific to the Permittee that were considered in the development of the SWMP;
- 2.3.4.5. A SWMP that meets requirements of Part 2.1 for New Applicants, and Part 2.2 for Renewal Permittees.
- 2.3.4.6. Information on the chosen Best Management Practices ("BMPs") and the measurable goals for each of the storm water minimum control measures in Part 4.2 and, as appropriate, the timeframe by which the Permittee will achieve required actions, including interim milestones;
- 2.3.4.7. Permittees that are applying as Co-Permittees shall each submit an NOI and individual SWMP that clearly identifies the areas of the MS4 for which each of the Co-Permittees are responsible. Permittees that rely on another Person(s) to satisfy one or more of its Permit obligations shall include, with the NOI, a summary of the Permit obligations that will be carried out by the other Person(s). During the term of the Permit, Permittees may terminate or amend shared responsibility arrangements by notifying the Director, provided this does not alter implementation deadlines.
- 2.3.4.8. Certification and signature requirements in accordance with Part 6.14.

3.0 Special Conditions

3.1. Discharges to Water Quality Impaired Waters

- 3.1.1. Permittees shall determine whether storm water discharge from any part of the MS4 contributes to a 303(d) listed waterbody. A 303(d) list of impaired waterbodies is available at: <https://wq.deq.utah.gov/>. The 303(d) list identifies water quality impaired waters where the Director has determined that any segment of the surface waters is failing to support one or more of its designated uses. If the Permittee has any discharges to an impaired waterbody, the Permittee shall comply with Part 3.1.2 and Part 3.2, if applicable, and if no discharges to impaired waterbodies exist, the remainder of this Part 3.1 does not apply. Permittees shall review the 303(d) list biennially after the Division's Integrated Report is released and determine whether additional impairments to receiving waters were identified during the previous Integrated Report cycle. The Permittee shall update the SWMP within **180 days** of the release of Integrated Report, as needed, to address newly added impairments.
- 3.1.1.1. If the Permittee has "303(d)" discharges described in Part 3.1.1, the Permittee shall determine whether a TMDL has been developed by the Director and approved by EPA for the listed waterbody. If there is an approved TMDL, the Permittee shall comply with all requirements associated with the TMDL (*see* Part 3.2) in addition to the requirements of Part 3.1.2. If no TMDL has been approved, the Permittee shall comply with Part 3.1.2 and will be required to meet any TMDL requirements once it is developed and approved.
- 3.1.2. If the Permittee discharges to an impaired waterbody, the Permittee shall include in its SWMP, a description of how the Permittee will control the discharge of all pollutants of concern into any impaired waterbodies. This description shall identify the measures and BMPs that will collectively control the discharge of the pollutants of concern. The measures shall be presented in the order of priority with respect to controlling the pollutants of concern.
- 3.1.3. Where a discharge authorized under this Permit is later determined to cause, or have the reasonable potential to cause or contribute to, the exceedance of an applicable water quality standard, the Director will notify the Permittee. The Permittee shall take all necessary actions to ensure future discharges do not cause or contribute to the exceedance of a water quality standard and document these actions, as required by the Director. If exceedances remain or reoccur, the Director may terminate coverage under this Permit and an alternative UPDES Permit may be issued. Compliance with this requirement does not preclude the Director from taking an enforcement action as provided by the Utah Water Quality Act for the other violation(s).

3.2. Jordan River Watershed Wide *Escherichia coli* ("E. coli") TMDL

- 3.2.1. TMDL Compliance Plan. Permittees that discharge to waters listed on the Utah 303(d) list as impaired for *E. coli*, listed as bacteria, for which storm water is a contributing source per the *Jordan River Watershed Wide E. coli TMDL* shall include a TMDL Compliance Plan within their SWMP addressing the pollutant reduction requirements of the TMDL as it relates to MS4s. The *Jordan River E. coli TMDL MS4 Guidance Document* available on the Division's website provides supplemental information to assist Permittees with compliance with the Permit requirements of this Part. The TMDL Compliance Plan shall supplement

and build on the six (6) minimum control measures identified in Part 4.2. The Permittee shall develop, fund, and implement source control BMPs that reduce the discharge of *E. coli*. The TMDL Compliance Plan shall address the following:

- 3.2.1.1. Education. Permittees shall identify potential sources of *E. coli* in the MS4 and target specific audiences that may be contributing to the *E. coli* sources. Permittees shall provide and document education and outreach given to the target audiences on the impacts to water quality associated with these types of discharges and BMPs that can be implemented to reduce the discharge of *E. coli*.
- 3.2.1.1.1. Permittees may meet the requirements of Part 3.2.2.1 through contribution to a collaborative program, e.g., storm water coalition, that evaluates, identifies, and targets sources, as well as, provides outreach that addresses *E. coli*.
- 3.2.1.2. *E. coli* Inventory. Permittees shall identify sites that have potential sources of *E. coli* and shall maintain a written or mapped inventory of those areas, such as areas with septic, dense waterfowl areas, dog parks, etc. (“inventoried *E. coli* areas”). The inventoried *E. coli* areas shall include any Permittee owned or operated dog parks, parks with open water, sites with septic, or properties that are known potential sources of *E. coli*
- 3.2.1.2.1. *E. coli* Reduction Prioritization. Permittees shall create a plan to prioritize reduction activities to address the areas and sources identified in the inventoried *E. coli* areas. The *E. coli* reduction prioritization plan shall include structural and nonstructural BMPs to reduce the potential of the discharge of *E. coli*. The Permittee shall implement these controls for the duration of the Permit.
- 3.2.1.2.2. Illicit Discharge Detection and Elimination (“IDDE”) Priority Areas. Permittees shall add the inventoried areas to the priority areas identified in Part 4.2.3.3.1 and begin inspecting the inventoried *E. coli* areas annually, at a minimum, and documenting the inspections on an inspection form.
- 3.2.1.2.3. MS4 System Maintenance Standard Operating Procedures (“SOPs”). Permittees shall add the inventoried *E. coli* areas to the priority areas identified in Part 4.2.6.5.2 for street sweeping and storm sewer system maintenance and maintain the inventoried *E. coli* areas at the same frequency. The Permittee’s road and parking lot sweeping and storm drain system maintenance SOPs shall include the inventoried *E. coli* areas and shall include a maintenance schedule that includes these areas.
- 3.2.1.3. “High Priority” Facility Inventory. Permittees shall evaluate its written inventory of potential “high priority” Permittee-owned and/or operated facilities, as required by Part 4.2.6.1, and identify sites that have potential sources of *E. coli*. The Permittee shall add to its inventory any Permittee-owned or operated dog parks, parks with open water, sites with septic, or properties that are known potential sources of *E. coli*. Sites that have been identified as potential sources of *E. coli* shall include structural or nonstructural BMPs.
- 3.2.1.4. SOP Evaluation. Permittees shall evaluate the following potential *E. coli* generating activities to determine whether existing SOPs should target reduction of *E. coli* discharge or if additional SOPs should be developed for the reduction of *E. coli*

discharge from the MS4: 1) roads, highways, and parking lots: surface cleaning and controlling litter; 2) parks and open space: lake and lagoon maintenance; mowing/trimming/planting; 3) storm water collection and conveyance system: inspection and cleaning of stormwater conveyance structures; controlling illicit connections and discharges; controlling illegal dumping; 4) material storage areas: solid waste collection; controlling litter; controlling illegal dumping; and 5) storm water collection and conveyance system: water line maintenance, sanitary sewer maintenance, spill/leak/overflow control, response, and containment.

- 3.2.1.5. Low Impact Development (“LID”). Permittees shall promote the use of LID controls for which *E. coli*, listed a bacteria, has a medium or high pollutant removal effectiveness, as identified in the *Guide to Low Impact Development within Utah*, Appendix C on the Division’s website: <https://deq.utah.gov/water-quality/municipal-separate-storm-sewer-system-ms4s-permits-updes-permits>.
- 3.2.1.6. Retrofit Plan. Permittees shall add potential *E. coli* reduction as a criterion for ranking when evaluating the Permittees retrofit plan as required in Part 4.2.6.9.
- 3.2.2. TMDL Compliance Report. Permittees shall submit a TMDL Compliance Report with the Annual Report required by Part 5.5. The TMDL Compliance Report shall include identification of problem areas for which source control BMPs were developed, the cost, and the anticipated pollutant reduction.

3.3. Nitrogen and Phosphorus Reduction

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

3.4. Co-Permittees

- 3.4.1. Two or more operators of interrelated or neighboring Small MS4s may apply as Co-Permittees.

- 3.4.2. In order to be permitted as Co-Permittees, the MS4s shall each submit an NOI which meets the requirements outlined in Part 2.0.
- 3.4.3. Each Co-Permittee is individually liable for:
 - 3.4.3.1. Permit compliance for discharges from portions of the MS4 where it is the operator, and for areas within its legal jurisdiction;
 - 3.4.3.2. Ensuring that the six minimum control measures described in Part 4.2 are implemented for portions of the MS4 where it is the operator, and in areas within its legal jurisdiction; and
 - 3.4.3.3. If any Permit conditions are established for specific portions of the MS4, Co-Permittees need only comply with the Permit conditions relating to those portions of the MS4 for which they are the operator.
- 3.4.4. Each Co-Permittee is jointly liable for compliance with annual reporting requirements identified in Part 5.5, with the exception that a Co-Permittee is individually liable for any parts of the annual report that relate exclusively to portions of the MS4 where it is the operator.
- 3.4.5. Specific Co-Permittees are jointly liable for Permit compliance on portions of the MS4 as follows:
 - 3.4.5.1. Where operational or SWMP implementation authority over portions of the MS4 has been transferred from one Co-Permittee to another in accordance with legally binding interagency agreements, both the owner and the operator may be jointly liable for Permit compliance on those portions of the MS4; and
 - 3.4.5.2. Where one or more Co-Permittees jointly owns or operates a portion of the MS4, each owner/operator is jointly liable for compliance with Permit conditions on the shared portion of the MS4.

4.0 Storm Water Management Program

4.1. Requirements

- 4.1.1. Permittees shall develop, implement, and enforce a SWMP designed to reduce the discharge of pollutants from the MS4, protect water quality, and satisfy the appropriate water quality requirements of the Act. The SWMP shall include the six minimum control measures described in Part 4.2, as well as the requirements identified in Parts 3 and 4.1.
- 4.1.1.1. The SWMP shall be developed and implemented in accordance with the schedules contained in Part 4.0.
- 4.1.2. Permittees shall have an ongoing documentation process for implementation of the SWMP to evaluate overall Permit compliance/non-compliance and evaluate the effectiveness of the SWMP implementation to protect water quality.
- 4.1.2.1. Permittees shall track each component of the SWMP, e.g., the number of inspections performed, official enforcement actions taken, types of public education activities, etc., implemented as required for each SWMP component.
- 4.1.2.2. Permittees shall secure the resources necessary to meet all requirements of this Permit. Permittees shall conduct and document an annual analysis of the capital and operation and maintenance expenditures needed, allocated, and spent, as well as the necessary staff resources needed and allocated to meet the requirements of this Permit.
- 4.1.2.3. Permittees shall track effectiveness of SWMP BMPs or program implementation to demonstrate that the SWMP is protective of water quality. This information shall be used to update SWMP BMPs, conduct planning, and set priorities.
- 4.1.3. Permittees shall develop a SWMP which includes BMPs that the Permittee or another Person will implement for each of the six (6) storm water minimum control measures. Permittee shall develop a SWMP which includes:
- 4.1.3.1. Measurable Goals for each of the BMPs which includes, at a minimum, the months and years in which the Permittee will undertake required actions including: interim milestones and the frequency of the actions, if applicable.
- 4.1.3.2. The person(s) responsible for implementing or coordinating the BMPs contained within the SWMP document.
- 4.1.3.3. The roles and responsibilities of all offices, departments, Directors, or sub-sections, and if necessary, other responsible entities.
- 4.1.3.4. Any necessary agreements, contracts, or MOUs between said entities that affect the implementation and operation of the SWMP. Necessary agreements, contracts, and MOUs shall deal with coordination or clarification of the responsibilities associated with the detection and elimination of improper connections or illicit discharges to the MS4, BMP coordination or other coordinated programs or sensitive issues of unclear or overlapping responsibility.

4.2. Minimum Control Measures

To achieve pollutant reductions to the Maximum Extent Practicable (“MEP”), Permittees shall include the following six minimum control measures in the SWMP:

4.2.1. Public Education and Outreach on Storm Water Impacts

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

The educational program shall include documented education and outreach efforts for the following audiences: 1) general public; 2) institutions, industrial, and commercial facilities; and 3) engineers, construction contractors, developers, development review staff, and land use planners; pertinent parties.

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

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

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

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

4.2.1.2. General Public. On an annual basis, Permittees shall provide and document education outreach given to the **general public** on the Permittee’s prohibitions against illicit discharges and improper disposal of waste and the impacts to water quality associated with these types of discharges. Permittees shall document dates, topics, and number of people educated for each component of their education and outreach program.

4.2.1.2.1. Permittees shall, at a minimum, consider the following topics: 1) maintenance of septic systems; 2) effects of outdoor activities such as lawn care (use of pesticides, herbicides, and fertilizers); 3) benefits of onsite infiltration of storm water; 4) effects of automotive work and car washing on water quality; 5) proper disposal of swimming pool water; 6) proper management of pet waste; and 7) any other relevant topics specific to the MS4. Permittees shall evaluate these topics and prioritize education on those most relevant to the community.

- 4.2.1.3. **Institutions, Industrial, and Commercial Facilities**. On an annual basis, Permittees shall provide, and document, education and outreach given to **institutions, industrial, and commercial facilities** of the Permittee's prohibitions against illicit discharges and improper disposal of waste and the impacts to water quality associated with these types of discharges. Permittees shall document dates, topics, and number of people educated for each component of their education and outreach program.
- 4.2.1.3.1. Permittee's shall, at a minimum, consider the following topics: 1) proper lawn maintenance (use of pesticides, herbicides and fertilizer); 2) benefits of appropriate onsite infiltration of storm water; 3) building and equipment maintenance (proper management of waste water); 4) use of salt or other deicing materials (cover/prevent runoff to storm system and contamination to ground water); 5) proper storage of materials (emphasize pollution prevention); 6) proper management of waste materials and dumpsters (cover and pollution prevention); 7) proper management of parking lot surfaces (sweeping); and 8) any other relevant topics specific to the MS4. Permittees shall evaluate these topics and prioritize education on those most relevant to the community. This education can also be a part of the Illicit Discharge Detection and Elimination measure detailed in Part 4.2.3.
- 4.2.1.4. **Construction Engineers, Contractors, Developers, Development Review Staff, and Land Use Planners**. On an annual basis, Permittee's shall provide, and document, education and outreach given to **engineers, construction contractors, developers, development review staff, and land use planners** concerning the development of storm water pollution prevention plans ("SWPPPs") and BMP use, to reduce adverse impacts from storm water runoff from development sites. Permittees shall document dates, topics, and number of people educated for each component of their education and outreach program. This education can also be a part of the Construction Site Storm Water Runoff minimum control measure detailed in Part 4.2.4.

4.2.2. ***Public Involvement/Participation***

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

The minimum performance measures are:

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

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

4.2.3. *Illicit Discharge Detection and Elimination*

All Permittees shall revise, as necessary, implement and enforce an IDDE program to systematically find and eliminate sources of non-storm water discharges from the MS4 and to implement defined procedures to prevent illicit connections and discharges according to the minimum performance measures listed in this Part. The IDDE program shall be described in writing, included in the Permittee's SWMP, and contain the elements detailed in this Part.

The minimum performance measures are:

- 4.2.3.1. MS4 Map. Permittees shall maintain a current storm sewer system map which includes the locations of all MS4: 1) outfalls; 2) receiving waters; 3) storm drain pipes; and 4) other storm water treatment and conveyance structures within the MS4.
- 4.2.3.2. Regulatory Mechanism. Permittees shall prohibit, through ordinance or other regulatory mechanism, non-storm water discharges, as defined in Part 7.0, to the MS4. Permittees shall require removal of such discharges consistent with Part 4.2.3.4.3 and implement appropriate enforcement procedures and actions. The Permittee shall have a variety of enforcement options in order to apply and escalate enforcement procedures as necessary based on the severity of violation and/or the failure of the violator to address the violation(s). Discharges authorized by a separate UPDES Permit, and non-storm water discharges listed in Part 1.2.2.2, are exempt.
- 4.2.3.2.1. Permittees shall have adequate legal authority to detect, investigate, eliminate, and enforce against non-storm water discharges, as defined in Part 7.0, into the MS4. Adequate legal authority may be an effective ordinance, or other regulatory mechanism. The Permittee's SWMP shall include a reference or citation of the authority the Permittee will use to implement all aspects of the IDDE program.
- 4.2.3.3. IDDE Plan. Permittees shall prepare and implement a written plan to detect and address non-storm water discharges as defined in Part 7.0 to the MS4.

The plan shall include:

- 4.2.3.3.1. Priority Area Identification. Written systematic procedures for locating and listing the following priority areas likely to have illicit discharges, if applicable: 1) areas with older infrastructure that are more likely to have illicit connections; 2) industrial, commercial, or mixed-use areas; 3) areas with a history of past illicit discharges; 4) areas with a history of illegal dumping; 5) areas with onsite sewage disposal systems; 6) areas with older sewer lines or with a history of sewer

overflows or cross-connections; 7) areas upstream of sensitive water bodies; and 8) other areas the Permittee determines to be likely to have illicit discharges.

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

- 4.2.3.3.2. Priority Area Inspections. Permittees shall conduct field inspections of areas which are considered a priority area, as identified in Part 4.2.3.3.1, annually at a minimum, and utilize an inspection form to document findings.
- 4.2.3.3.3. Dry Weather Screening Inspections. Permittees shall conduct dry weather screenings at all outfalls to verify those locations and detect illicit discharges to receiving waters at least once during the 5-year Permit term, and utilize an inspection form to document findings.
- 4.2.3.3.4. Other Permitting. Permittees shall notify the Director within 30 days if the Permittee discovers or suspects that a discharger may need a separate UPDES Permit, e.g., Industrial Storm Water Permit, Dewatering Permit, etc.
- 4.2.3.3.5. Household Hazardous Waste Collection. Permittees shall promote or provide services for the collection of household hazardous waste.
- 4.2.3.3.6. IDDE Hotline. Permittees shall publicly list and promote a hotline or other local telephone number for public reporting of spills and other illicit discharges. Permittees shall keep a written record of all calls received, all follow-up actions taken, and any feedback received from public education efforts.
- 4.2.3.4. SOPs. Permittees shall implement the following SOPs in the IDDE program:
- 4.2.3.4.1. Tracing Illicit Discharges. Permittees shall implement a SOP for tracing the source of an illicit discharge. The SOP shall include procedures for: 1) visual inspections; 2) opening manholes when necessary; 3) using mobile cameras; 4) using field tests of selected chemical parameters as indicators of discharge sources; 5) collecting and analyzing water samples for the purpose of determining sanctions or penalties; and/or 6) other detailed inspection procedures.
- 4.2.3.4.1.1. When the source of an illicit non-storm water discharge is identified and confirmed, the Permittee shall record the following information in an inspection report: 1) the date the Permittee became aware of the non-storm water discharge; 2) the date the Permittee initiated an investigation of the discharge; 3) the date the discharge was observed; 4) the location of the discharge; 5) a description of the discharge; 6) the method of discovery; 7) the date of removal, repair, or enforcement action; 8) the date and method of removal verification. Analytical monitoring may be necessary to aid in the identification of potential sources of an illicit discharge and to characterize the nature of the illicit discharge. The Permittee shall document in the inspection report the decision process for utilizing analytical monitoring.
- 4.2.3.4.1.2. When a reported illicit non-storm water discharge is investigated, but does not impact the MS4's system, Permittees shall record the following information in

an inspection report: 1) the date the Permittee became aware of the reported non-storm water discharge; 2) the date the Permittee initiated an investigation of the reported discharge; 3) the location of the reported discharge; 4) a description of the reported discharge; and 5) a description of the steps taken to confirm that the Permittee's system wasn't impacted.

- 4.2.3.4.2. Characterizing Illicit Discharges SOP. Permittees shall implement SOPs for characterizing the nature of illicit discharges and the potential public or environmental threat posed by the discharges when found by or reported to the Permittee by the hotline or other telephone number described in Part 4.2.3.3.6 These procedures shall include detailed instructions for determining the substance of the illicit discharge. If a substance is unknown, the Permittee shall have procedures for evaluating or referring substance characterization to an alternative Person.
- 4.2.3.4.3. Ceasing Illicit Discharges SOP. Permittees shall implement SOPs for ceasing the illicit discharge, including: 1) notification of appropriate authorities; 2) notification of the property owner; 3) technical assistance for removing the source of the discharge or otherwise eliminating the discharge; 4) detailed instructions for evaluating how the discharge will be immediately contained, and steps to contain the discharge; 5) follow-up inspections; and 6) escalating enforcement and legal actions if the discharge is not eliminated. Compliance with this provision will be achieved by initiating an investigation immediately upon being alerted of a potential illicit discharge. Illicit discharge(s) to the MS4 are prohibited and any such discharges are a continuing violation of this Permit until the discharge(s) are eliminated.
- 4.2.3.4.3.1. Upon confirmation of an illicit non-storm water discharge which impacted the MS4's system, the Permittee shall ensure immediate cessation of improper disposal practices pursuant to Part 4.2.3.2.1. Upon confirmation of responsible parties, the Permittee shall take all necessary actions in accordance with the enforcement procedures pursuant to Part 4.2.3.4.3. If the responsible party is unknown when the illicit non-storm water discharge is confirmed, the Permittee shall take all necessary steps to cease the discharge. The Permittee should have regulatory authority to pursue cost recovery pursuant to Part 4.2.3.2, if necessary.
- 4.2.3.4.4. Spill and Improper Disposal SOP. Permittees shall develop a written spill and improper disposal response SOP including a flow chart for internal use, that shows the procedures for responding to public referrals of illicit discharges, the various responsible agencies and respective contacts, and who would be involved in illicit discharge incident response, even if it is a different Person, other than the Permittee. The list shall be maintained and updated as changes occur.
- 4.2.3.4.5. Program Evaluation and Assessment SOP. Permittees shall implement procedures for program evaluation and assessment which includes maintaining a database for mapping; tracking of the number and type of spills or illicit discharges identified; and inspections conducted pursuant to potential illicit discharges.
- 4.2.3.5. Records. Permittees shall thoroughly document all IDDE investigations. The Permittee shall provide inspection reports to the Director, upon request. All IDDE documentation

shall be retained for a period of five years. This period may be extended by the Director at any time.

- 4.2.3.6. Training. Permittees shall, at a minimum, train all staff, MS4 contractors, office personnel, or other responsible entities that, as part of their normal job responsibilities, might come into contact with, receive calls, or otherwise observe an illicit non-storm water discharge as follows:
- 4.2.3.6.1. Frequency. Permittees shall ensure that new hires and MS4 contractors are trained within 60 days of hire/contract date and annually thereafter, at a minimum. Follow-up training shall be provided, as needed, to address changes in procedures, methods, or staffing.
- 4.2.3.6.2. Topics. The training shall, at a minimum, include topics relating to illicit non-storm water discharges including: 1) identification and reporting; 2) investigation, termination, clean-up, and enforcement procedures; and 3) investigation documentation requirements. Training shall focus on the topics most relevant to the employee's position to ensure protection of water quality.
- 4.2.3.6.3. Records. Permittees shall keep and maintain annual and new hire training records that include dates, activities or course descriptions, and names and positions of staff in attendance.
- 4.2.3.7. The Director reserves the right to request documentation or further investigation of a particular non-storm water discharge of concern, to determine a reasonable basis for allowing the non-storm water discharge to the MS4, and excluding the discharge from the Permittee's program. The Director may require inclusion of the discharge in the Permittee's program, if water quality concerns cannot otherwise be reasonably satisfied.

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

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

The minimum performance measures are:

- 4.2.4.1. Regulatory Authority. Permittees shall revise, as necessary, and enforce an ordinance or other regulatory mechanism that requires compliance with all requirements set forth in the most current, applicable UPDES construction storm water permits, which can be found at construction.stormwater.utah.gov. The regulatory mechanism shall include sanctions to ensure compliance. The regulatory mechanism shall apply to qualifying construction sites, as defined by Part 7.0.
- 4.2.4.1.1. Permittees shall require construction operators prepare and implement a SWPPP to protect water quality. The SWPPP requirements shall be, at a minimum, equivalent

with the SWPPP requirements set forth in the most current, applicable UPDES construction storm water permits, which can be found at: construction.stormwater.utah.gov.

4.2.4.1.2. Permittees shall require construction operators to obtain coverage under the current, applicable UPDES construction storm water permits for the duration of the project. Permittees shall require construction operators to renew coverage, if necessary, and terminate coverage, when appropriate. Coverage can be managed online at: <https://npdes-ereporting.epa.gov/net-cgp>.

4.2.4.1.3. The regulatory mechanism shall include a provision for access by qualified person as defined in Part 7.0, to inspect construction sites, including storm water BMPs, on private properties that discharge to the MS4.

4.2.4.2. Enforcement Strategy. Permittees shall develop a written enforcement strategy, and implement the enforcement provisions of the regulatory mechanism.

The enforcement strategy shall include:

4.2.4.2.1. Construction Oversight Enforcement SOP. Permittees shall develop an SOP which includes: 1) specific processes and sanctions to minimize the occurrence of violations and obtain compliance from violators; 2) appropriate escalating enforcement procedures and actions, including an appeals process that is published in a publicly accessible location; 3) notification and documentation procedures for enforcement actions; and 4) a definition of who has authority to implement enforcement procedures on behalf of the MS4. The Permittee shall have the authority to the extent authorized by law to impose sanctions to ensure compliance with the local program.

4.2.4.2.2. Enforcement Tracking. Documentation and tracking of all enforcement actions.

4.2.4.3. Pre-Construction SWPPP Review. Permittees shall develop and implement a checklist for pre-construction SWPPP review that is consistent with the requirements of the current, applicable UPDES construction storm water permits. The checklist shall include consideration of potential water quality impacts and procedures for pre-construction review. This SWPPP review may occur during the first pre-construction onsite inspection.

Prior to construction, the Permittee shall:

4.2.4.3.1. Meeting. Conduct a pre-construction SWPPP meeting which includes a review of: 1) the site design; 2) the planned operations at the construction site; 3) planned BMPs during the construction phase; 4) the planned BMPs to manage runoff created after development; and 5) the Permittee's enforcement policy.

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

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

- 4.2.4.4. Construction Site Storm Water Runoff Control Inspection Program. Permittees shall implement and document a construction site storm water runoff control inspection program to ensure compliance with all requirements set forth in the most current, applicable UPDES construction storm water permits.

The program shall include the following:

- 4.2.4.4.1. Construction Oversight Inspections SOP. Permittees shall develop and implement SOPs for construction oversight inspections of qualifying construction sites which include: 1) who is responsible for site inspections; 2) procedures for the oversight inspections, follow-up, and documentation as identified in Parts 4.2.4.4.2 - 4.2.4.4.6; and 3) procedures for being notified by construction operators/owners of completion of active construction so that the Permittee may conduct verification of final stabilization and removal of all temporary control measures. If inspections are contracted outside of the MS4, an individual or Person who prepares a SWPPP for a construction project may not perform the construction site inspections required of Parts 4.2.4.4.2 - 4.2.4.4.6 on behalf of the Permittee.
- 4.2.4.4.2. Monthly Inspections. Permittees shall conduct monthly inspections of all new qualifying construction sites, as defined in Part 7.0. These inspections shall be conducted by a qualified person, as defined in Part 7.0, using the Construction Oversight Inspection Form found on the Division's MS4 website at: <https://deq.utah.gov/water-quality/municipal-separate-storm-sewer-system-ms4s-permits-updes-permits>.
- 4.2.4.4.2.1. Adequate Compliance History. Permittees shall reduce their monthly inspection frequency to the inspection frequency identified in Part 4.2.4.4.4 if the site does not qualify as a priority site as identified in Part 4.2.4.4.3, and the site has demonstrated an adequate compliance history as defined in Part 7.0. If at any point, the site does not meet the definition of an adequate compliance history, the Permittee shall resume monthly inspections until the site regains an adequate compliance history.
- 4.2.4.4.2.2. Frozen Conditions. Permittees may reduce their monthly inspections to the inspection frequency identified in Part 4.2.4.4.4 if the operator has suspended construction activities due to frozen conditions as defined in Part 7.0. Monthly inspections shall immediately resume with any thawing conditions as defined in Part 7.0. The Permittee is required to conduct site inspections based upon actual conditions e.g., if thawing conditions occur sooner than expected, the Permittee is required to conduct inspections at the regular frequency.
- 4.2.4.4.2.3. Arid Locations. Permittees may reduce their monthly inspections to the inspection frequency identified in Part 4.2.4.4.4 if the site is located within an arid location as defined in Part 7.0, and within the seasonally dry period as defined in Part 7.0. Monthly inspections shall immediately resume with any rain event even if the seasonally dry period has not ended.
- 4.2.4.4.3. Priority Inspections. The Permittee shall conduct inspections of priority construction sites, as defined in Part 7.0, at least every month. These inspections shall be conducted by a qualified person, as defined in Part 7.0, using the

Construction Oversight Inspection Form found on the Division's MS4 website at: <https://deq.utah.gov/water-quality/municipal-separate-storm-sewer-system-ms4s-permits-updes-permits>.

- 4.2.4.4.4. Other Inspections. The Permittee shall conduct inspections at qualifying construction sites, as defined in Part 7.0, at a minimum, of all phases of construction, as required by Part 4.2.4.4.5, including: 1) one inspection prior to land disturbance; 2) one inspection each year during active construction; 3) one inspection following active construction; and 4) inspections to investigate any verified complaint. These inspections shall be conducted by a qualified person, as defined in Part 7.0, using the Construction Oversight Inspection Forms found on the Division's MS4 website at: <https://deq.utah.gov/water-quality/municipal-separate-storm-sewer-system-ms4s-permits-updes-permits>.
- 4.2.4.4.5. Electronic Oversight Inspections. The Permittee shall utilize an electronic site inspection to conduct MS4 oversight inspections at construction sites. The oversight inspection shall meet the requirements of Part 4.2.4. The Permittee may complete an on-site inspection if the Permittee has a documented reason for justifying an on-site oversight inspection. Circumstances that may be considered documented reasons include, but are not limited to, inadequate characterization in electronic site inspections of site conditions or portions of a site; verified complaints; contractor has opted-out; or any other evidence of noncompliance with Permit conditions that warrants an on-site inspection. The Permittee shall provide 48-hours advance notice of on-site inspection unless there is an imminent threat of a discharge. The Permittee may resolve documented reasons for inspection under this paragraph electronically in lieu of onsite inspection.
- 4.2.4.4.6. Inspection Follow-up. Based on site inspection findings, the Permittee shall take all necessary follow-up actions, e.g., re-inspection, enforcement, to ensure compliance in accordance with the Permittee's enforcement strategy. These follow-up and enforcement actions shall be tracked and documented.
- 4.2.4.5. Training. Permittees shall provide training to all staff and MS4 contractors whose primary job duties are related to implementing the construction storm water program as follows:
- 4.2.4.5.1. Frequency. Permittees shall ensure that new hires/MS4 contractors are trained within 60 days of hire/contract date and annually thereafter, at a minimum. Follow-up training shall be provided as needed to address changes in procedures, methods, or staffing.
- 4.2.4.5.2. Topics. The training shall, at a minimum, include topics relating to the construction storm water program including: 1) permitting; 2) plan review; 3) construction site inspections; and 4) enforcement of construction projects. Training shall focus on the topics most relevant to the employee's position to ensure protection of water quality.
- 4.2.4.5.3. Records. Permittees shall keep and maintain annual and new hire training records that include dates, activities or course descriptions, and names and positions of staff in attendance.

4.2.4.6. Record Retention. Permittees shall maintain records of all qualifying construction sites, as defined in Part 7.0. The Permittee shall keep records which include, but are not limited to, site plan reviews, SWPPP review, oversight inspections, and enforcement actions including any verbal warnings, stop work orders, warning letters, notices of violation, and any other enforcement conducted. The Permittee shall be able to demonstrate that each construction site's SWPPP is complete and in compliance with state regulations. The Permittee shall keep records of these projects for five years or until construction is completed, whichever is longer.

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

Permittees shall revise, as necessary, implement, and enforce a program to address post-construction storm water runoff to the MS4 from private and public new development and redevelopment of qualifying construction sites as defined in Part 7.0, meeting the requirements of Part 4.2.5 ("New Development/Redevelopment program"). The water quality considerations of this minimum control measure do not replace or substitute water quantity or flood management requirements implemented on the local level for new development or redevelopment sites. The Permittee may incorporate water quality controls into the design of structures intended for flow control; or the Permittee may use separate control measures to achieve water quality controls. The New Development/Redevelopment program shall apply to private and public development sites.

The minimum performance measures are:

4.2.5.1. Post-Construction Controls. The Permittee's New Development/Redevelopment program shall have requirements or standards to ensure that any storm water controls or management practices for new development and redevelopment will prevent or minimize impacts to water quality. Storm water controls shall be selected to address pollutants known to be discharged, or have potential to be discharged, from the site.

4.2.5.1.1. Non-Structural Controls. The Permittee's New Development/Redevelopment program shall include non-structural BMPs. The Permittee shall consider non-structural BMPs including requirements and standards to: 1) minimize development in areas susceptible to erosion and sediment loss; 2) minimize the disturbance of native soils and vegetation; 3) preserve areas that provide important water quality benefits; 4) implement measures for flood control; and 5) protect the integrity of natural resources and sensitive areas.

4.2.5.1.2. Retention Requirement. Permittees shall develop and define a specific hydrologic method(s) for calculating runoff volumes and flow rates to ensure consistent sizing of structural storm water controls in their jurisdiction and to facilitate plan review.

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

New development projects shall manage rainfall on-site and prevent the off-site discharge of the precipitation from all rainfall events less than or equal to the 80th percentile rainfall event, as defined in Part 7.0, or a predevelopment hydrologic condition, whichever is less.

Redevelopment projects shall provide a site-specific and project-specific plan aimed at net gain to onsite retention or a reduction to impervious surface to provide similar water quality benefits. If a redevelopment project increases the impervious surface by greater than 10%, the project shall manage rainfall on-site and prevent the off-site discharge of the net increase in the volume associated with the precipitation from all rainfall events less than or equal to the 80th percentile rainfall event as defined in Part 7.0.

- 4.2.5.1.3. LID Approach. The Permittee's New Development/Redevelopment program shall include a process which requires the evaluation of a LID approach for all projects of qualifying construction sites, as defined in Part 7.0, subject to the requirements in Part 4.2.5.1.2. A LID approach promotes the implementation of storm water controls that allow storm water to infiltrate, have evapotranspiration or harvest¹ and reuse storm water on site to reduce runoff from the site and protect water quality.

Guidance for implementing LID controls which are appropriate for use in the State of Utah can be found in *A Guide to Low Impact Development within Utah* ("the LID Guide"), available on the Division's MS4 website: <https://deq.utah.gov/water-quality/municipal-separate-storm-sewer-system-ms4s-permits-updes-permits>. The Permittee shall allow for use of a minimum of five LID practices from the list in Appendix C of the LID Guide. If the Permittee has not adopted specific LID practices from Appendix C of the LID Guide, any LID approach that meets Part 4.2.5.1.2 and is feasible may be used to meet this requirement.

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

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

- 4.2.5.2. Regulatory Mechanism. Permittees shall develop, adopt, and implement an ordinance or other regulatory mechanism that requires long-term post-construction storm water controls at new development and redevelopment sites that are qualifying construction sites, as defined in Part 7.0. The regulatory mechanism shall require storm water control

¹ Rainwater harvesting is governed by the Utah Division of Water Rights. Nothing in this Permit authorizes or requires rainwater harvesting.

selection, design, installation, operation, and maintenance standards as necessary to protect water quality and reduce the discharge of pollutants to the MS4. The regulatory mechanism shall include enforcement provisions. The regulatory mechanism shall also include:

- 4.2.5.2.1. Enforcement Authority. Permittees shall have enforcement provisions in the regulatory mechanism which include specific processes and sanctions to minimize the occurrences of violations and obtain compliance from chronic and recalcitrant violators. These processes and sanctions shall include appropriate, escalating enforcement procedures and actions, including an appeals process. Permittees shall develop a written enforcement strategy and implement the enforcement provisions of the regulatory mechanism.
- 4.2.5.2.2. Access. The regulatory mechanism shall include provisions for post-construction access for Permittees to inspect storm water control measures on private properties that discharge to the MS4 to ensure that adequate maintenance is being performed.
- 4.2.5.2.3. Maintenance Agreements. The regulatory mechanism may require private property owner/operators or qualified third parties to conduct maintenance and provide certification that adequate maintenance has been performed and the structural controls are operating as designed to protect water quality, in lieu of the Permittee. If the Permittee requires a maintenance agreement for maintenance of control measures installed on site, the agreement shall allow: 1) the Permittee to conduct oversight inspections of the any installed storm water control measures onsite; 2) account for transfer of responsibility in leases and/or deeds; and 3) allow the Permittee to perform necessary maintenance or corrective actions neglected by the property owner/operator and bill or recoup costs from the property owner/operator as needed. If the private Person neglects maintenance on a storm water control, the Permittee shall ensure maintenance per its enforcement program; including, conducting the maintenance and recouping costs, if necessary.
- 4.2.5.2.4. Regulatory Authority Documentation. Permittees shall maintain documentation on how the requirements of the ordinance or other regulatory mechanism will protect water quality and reduce the discharge of pollutants to the MS4. Documentation shall include: 1) how long-term storm water controls were selected; 2) the pollutant removal performance expected from the selected controls; and 3) the technical basis that supports the performance claims for the selected controls.
- 4.2.5.3. Plan Review. The Permittee shall:
 - 4.2.5.3.1. Adopt and implement SOPs for site plan review that evaluate potential water quality impacts. The SOPs shall apply through the life of the project from conceptual design to project closeout.
 - 4.2.5.3.2. Review post-construction plans for, at a minimum, all new development and redevelopment sites that are qualifying construction sites, as defined in Part 7.0, to ensure that the plans include long-term storm water management measures that meet the requirements of Part 4.2.5.

- 4.2.5.4. Inspections. The Permittee shall adopt and implement SOPs for site inspection and enforcement of post-construction storm water control measures to ensure adequate ongoing long-term operation and maintenance of approved storm water control measures. These SOPs shall, at a minimum, include procedures for inspection, follow-up, and documentation according to the requirements below:
- 4.2.5.4.1. Control Verification Inspection. Permittees shall inspect, using a person who has been appropriately trained, as identified in Part 4.2.5.6, permanent structural storm water controls at least once during installation. Upon completion of the control, the Permittee shall verify that long-term storm water controls were constructed as designed. The Permittee shall document these inspections.
- 4.2.5.4.2. Maintenance Inspections. Permittees, or, if applicable, the property owner/operator, shall conduct inspections and any necessary maintenance at least every other year, or as necessary, to maintain functionality of the control. On sites where the property owner/operator is conducting maintenance, the Permittee shall inspect those storm water control measures and associated owner/operator inspection documentation at least once every five years, or more frequently, as determined by the Permittee, to verify and ensure that adequate maintenance is being performed. Permittees, or the property owner/operator, shall document these inspections in an inspection report.
- 4.2.5.4.2.1. The inspection report shall include the following: 1) inspection date; 2) name and signature of inspector; 3) project location; 4) current ownership information; 5) a description of the condition of the storm water control measure including the condition of: vegetation and soils; inlet and outlet channels and structures; catch basins; spillways; weirs, and other control structures; and sediment and debris accumulation in storage as well as in and around inlet and outlet structures; and 6) specific maintenance issues or violations found that need to be corrected by the property owner/operator along with deadlines and re-inspection dates.
- 4.2.5.5. Inventory. Permittees shall maintain an inventory of all post-construction structural storm water control measures installed and implemented at new development and redevelopment sites that are qualifying construction sites, as defined in Part 7.0. This inventory shall include both public and private sector sites located within the Permittee's service area that were developed since the Permittee obtained coverage by this Permit, or the date that post-construction requirements came into effect, whichever is later.
- 4.2.5.5.1. Each entry to the inventory shall include: 1) basic information on each project, such as project's name, owner's name and contact information, location, installation date, etc.; 2) short description of each storm water control measure (type, number, design or performance specifications); 3) short description of maintenance requirements (frequency of required maintenance and inspections); and 4) inspection information (date, findings, follow up activities, prioritization of follow-up activities, compliance status).
- 4.2.5.5.2. Based on inspections conducted pursuant to Part 4.2.5.4, the Permittee shall update the inventory when changes occur in property ownership, or in the specific control measures implemented at the site.

- 4.2.5.6. **Training.** Permittees shall provide training to all staff and MS4 contractors, including MS4 inspectors, engineers, development and plan review staff, land use planners, and other pertinent parties, whose primary job duties are related to implementing the post-construction storm water management program as follows:
- 4.2.5.6.1. **Frequency.** Permittees shall ensure that new hires and MS4 contractors are trained within 60 days of hire/contract date, and annually thereafter, at a minimum. Follow-up training shall be provided, as needed, to address changes in procedures, methods, or staffing.
- 4.2.5.6.2. **Topics.** The training shall, at a minimum, include topics relating to the post-construction storm water program including procedures for: 1) fundamentals of long-term storm water management; 2) plan review; 3) inspections; 4) enforcement; 5) LID and green infrastructure practices; and 6) the specific requirements for post-construction control and the associated storm water controls identified in the SWMP. Training shall focus on the topics most relevant to the employee's position to ensure protection of water quality.
- 4.2.5.6.3. **Records.** Permittees shall keep and maintain annual and new hire training records that include dates, activities or course descriptions, and names and positions of staff in attendance.

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

Permittees shall implement a program for Permittee-owned or operated facilities, operations and structural storm water controls that includes SOPs, pollution prevention BMPs, SWPPPs or a similar type of document, and a training component that have the ultimate goal of preventing or reducing the runoff of pollutants to the MS4 and waters of the state ("Pollution Prevention and Good Housekeeping program"). The Permittee shall include all components of the Pollution Prevention and Good Housekeeping program in the SWMP and shall identify the department responsible for performing each activity described in this section. The Permittee shall develop an inventory of all such Permittee-owned or operated facilities. The Permittee shall review this inventory annually and update as necessary.

The minimum performance measures are:

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

The inventory shall include, but is not limited to, the following facilities: 1) composting facilities; 2) equipment storage and maintenance facilities; 3) fuel farms; 4) hazardous waste disposal facilities; 5) hazardous waste handling and transfer facilities; 6) incinerators; 7) landfills; 8) landscape maintenance on municipal property; 9) materials storage yards; 10) pesticide storage facilities; 11) public buildings, including libraries, police stations, fire stations, municipal buildings, restrooms, and similar Permittee-owned or operated buildings; 12) public parking lots; 13) public golf course maintenance facilities; 14) public swimming pool maintenance facilities; 15) public

works yards; 16) public marinas or boat launches; 17) recycling facilities; 18) salt storage facilities and de-icing storage facilities; 19) solid waste handling and transfer facilities; 20) street repair and maintenance facilities and/or shed sites; 21) vehicle storage and maintenance yards; 22) airports; 23) animal control facilities; 24) vehicle salvage yards; 25) chemical storage facilities; and 26) transportation hubs, including bus stations.

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

The Permittee shall include the following information in each SWPPP: 1) facility address; 2) staff/contact information for the facility; 3) property boundaries; 4) buildings and impervious surfaces; 5) directions of storm water flow using arrows; 6) locations of structural control measures; 7) facility BMPs (non-structural); 8) location and name of the nearest defined drainage(s) which could receive runoff from the facility, whether it contains water or not; 9) locations of all storm water conveyances including ditches, pipes, basins, inlets, and swales; 10) locations where significant spills or leaks have occurred; 11) locations of all visual storm water monitoring points; 12) locations of storm water inlets and outfalls, with a unique identification code for each outfall and an approximate outline of the areas draining to each outfall; 13) locations of all non-storm water discharges; 14) locations of sources of run-on to the site from adjacent properties; and 15) locations

where on-site activities may be exposed to storm water, including, but not limited to fixed fueling operations; vehicle and equipment maintenance and/or cleaning areas; brine making areas; loading/unloading areas; waste storage or disposal areas; liquid storage tanks; process and equipment operating areas; and materials storage or disposal areas.

4.2.6.4. The following inspections shall be conducted at “high priority” Permittee-owned or operated facilities:

4.2.6.4.1. Monthly Visual Inspections. Permittees shall perform monthly visual inspections of “high priority” facilities and related storm water outfalls in accordance with the developed SOPs to verify and correct the performance of the BMPs and all other systems designed and placed to eliminate pollutant discharges. The Permittee shall track the monthly inspections in a log for every facility, and shall keep or reference the location of the inspection records within the facility’s SWPPP. The inspection log should also include any identified deficiencies and the corrective actions taken to fix the deficiencies.

4.2.6.4.2. Semi-Annual Comprehensive Inspections. Permittees shall perform a comprehensive inspection of “high priority” facilities, including all storm water controls, at least twice per year. The semi-annual inspection shall specifically review and correct issues found with: 1) waste storage areas; dumpsters; vehicle and equipment maintenance/fueling areas; material handling areas and similar pollutant-generating areas; 2) previous monthly or annual inspections conducted at the facility; 3) and the facility’s SWPPP. The Permittee shall document the semi-annual inspections on an inspection report and shall keep or reference the location of the inspection records within the facility’s SWPPP. The semi-annual inspection shall be done in accordance with the inspection SOPs. An inspection report shall also include any identified deficiencies and the corrective actions taken to remedy the deficiencies.

4.2.6.4.3. Annual Visual Observation of Storm Water Discharges. Permittees shall visually observe the quality of the storm water discharges from the “high priority” facilities at least once per year. The Permittee shall remedy any observed problems, e.g., color, foam, sheen, turbidity, that can be associated with pollutant sources or controls as soon as practicable, but at a minimum, before the next storm event, to prevent discharge to the storm drain system. The Permittee shall document visual observations on an inspection report and shall keep or reference the location of the records of the visual observations within the facility’s SWPPP. This inspection shall be done in accordance with the inspection SOPs. The inspection report shall also include any identified deficiencies and the corrective actions taken to remedy the deficiencies.

4.2.6.5. Operations and Maintenance SOPs. Permittees shall develop and implement SOPs to protect water quality at each of the facilities owned or operated by the Permittee and/or activities conducted by the Permittee including, but not limited to: 1) buildings and facilities; 2) material storage areas; 3) heavy equipment storage areas and maintenance areas; 4) parks and open spaces; 5) vehicle and equipment; 6) roads, highways, and parking lots; and 7) storm water collection and conveyance systems.

- 4.2.6.5.1. SOPs shall address the following practices to ensure they are protective of water quality: 1) use, storage and disposal of chemicals; 2) storage of salt, sand, gravel, landscaping materials, asphalt and other materials; 3) waste and trash management; 4) cleaning, washing, painting and maintenance activities including: cleaning of maintenance equipment, building exteriors, and trash containers; 5) sweeping roads and parking lots; 6) proper application, storage, and disposal of fertilizer, pesticides, and herbicides and minimizing their use; 7) lawn maintenance and landscaping activities including: proper disposal of lawn clipping and vegetation; 8) green waste deposited in the street; 9) proper disposal of pet wastes; 10) vehicle maintenance and repair activities, including use of drip pans and absorbents under or around leaky vehicles and equipment; 11) vehicle/equipment storage including storing indoors where feasible; 12) vehicle fueling including placing fueling areas under cover in order to minimize exposure, where feasible; 13) road and parking lot maintenance, including: pothole repair, pavement marking, sealing, and repaving; 14) cold weather operations, including plowing; sanding; application of deicing compounds; and maintenance of snow disposal areas; 15) right-of-way maintenance, including mowing; herbicide and pesticide application; 16) Permittee-sponsored events such as large outdoor festivals, parades, or street fairs and the clean-up following these events; 17) regular inspection, cleaning, and repair of storm water conveyance and structural storm water controls; 18) graffiti removal; and 19) any activities or operations not listed in this Part that would reasonably be expected to discharge contaminated runoff.
- 4.2.6.5.2. MS4 Maintenance SOPs. Permittees shall develop SOPs that include a schedule for Permittee owned road and parking lot sweeping and storm drain system maintenance, including priority areas. The SOPs shall include regular inspection, cleaning, and repair of catch basins, storm water conveyance pipes, ditches and irrigation canals, culverts, structural storm water controls, and structural runoff treatment and/or flow control facilities. Permittees shall prioritize sweeping and storm sewer system maintenance, with the highest priority areas being maintained at the greatest frequency. Priority areas shall be identified considering the following factors: 1) water quality concerns; 2) most recent assessment the receiving water; 3) the amount and type of material that typically accumulates in an area; or 4) other location-specific factors.
- 4.2.6.5.3. Waste/Wastewater Disposal. Permittees shall ensure and document proper disposal methods of all waste and wastewater removed during cleaning and maintenance of the storm water conveyance system. These disposal methods apply to, but are not limited to, street sweeping and catch basin cleaning. The materials removed from the MS4 shall be dewatered in a contained area and discharged or disposed of in accordance with federal, state and local laws. Prior to disposal, the materials shall be stored properly to avoid discharge during a storm event. Any other treatment and disposal measures that could impact waters of the state shall be reviewed and approved by the Director.
- 4.2.6.5.4. Vehicle/Equipment Washing. Permittees shall ensure that vehicle, equipment, and other wash waters are not discharged to the MS4 or waters of the state.

- 4.2.6.5.5. Snow Disposal/Melt. Permittees shall minimize discharges to waters of the state that are associated with snow disposal and melt.
- 4.2.6.5.6. Spill Prevention Plan. Permittees shall develop a spill prevention plan in coordination with the local fire department.
- 4.2.6.6. Floor Drain Inventory. Permittees shall maintain an inventory of all floor drains inside all Permittee-owned or operated buildings. Permittees shall ensure that all floor drains discharge to appropriate locations. The inventory shall be updated as necessary to ensure accuracy.
- 4.2.6.7. Outside Contracting. Permittees are responsible for ensuring, through contractually-required documentation and/or periodic site visits, that contractors performing operation and maintenance activities for the Permittee are using appropriate storm water controls and following the SOPs, storm water control measures, and good housekeeping practices of the Permittee.
- 4.2.6.8. Flood Management Controls Assessment. Permittees shall develop and implement a process to assess the water quality impacts and the design of all new flood management structural controls that are owned or operated by the Permittee or that discharge to the Permittee. This process shall include consideration of controls that can be used to minimize the impacts to site water quality and hydrology while still meeting project objectives. Permittee shall include a description of this process in the SWMP.
- 4.2.6.8.1. Permittees shall assess existing flood management structural controls to determine whether changes or additions are necessary to improve water quality. A description of this process and any changes or additions made shall be included in the SWMP.
- 4.2.6.9. Retrofit Plan. Permittees shall develop a plan to retrofit existing developed sites that the Permittee owns or operates that are adversely impacting water quality. The retrofit plan shall be developed to emphasize controls that infiltrate, have evapotranspiration, or harvest and use, storm water discharges.
- The retrofit plan shall include a ranking of retrofit sites based on the following criteria: 1) proximity to a waterbody; 2) current assessment of the waterbody with the goal to improve impaired waterbodies and protect unimpaired waterbodies; 3) hydrologic condition of the receiving waterbody; 4) proximity to a sensitive ecosystem or protected area; and 5) any sites that could be further enhanced by retrofitting storm water controls.
- 4.2.6.10. Training. The Permittee shall require that all employees, MS4 contractors, and other responsible entities that have job functions that may impact storm water quality receive training as follows:
- 4.2.6.10.1. Frequency. Permittees shall ensure that new hires and MS4 contractors are trained within 60 days of hire/contract date and annually thereafter, at a minimum. Follow-up training shall be provided as needed to address changes in procedures, methods, or staffing.
- 4.2.6.10.2. Topics. The training shall, at a minimum, include topics relating the Permittee's Pollution Prevention and Good-Housekeeping program including: 1) the importance of protecting water quality; 2) the requirements of Part 4.2.6; 3)

inspection and follow-up procedures; 4) ways to prevent or minimize impacts to water quality by how they perform their job activities; 5) SOPs for operation and maintenance activities; 6) SWPPPs for the “high priority” facilities; and 7) the Permittee’s prohibition against illicit discharges and improper disposal of waste including the Permittee’s procedures for reporting water quality concerns and potential illicit discharges. Training shall focus on the topics most relevant to the employee’s position to ensure protection of water quality.

- 4.2.6.10.3. Records. Permittees shall keep and maintain annual and new hire training records that include dates, activities or course descriptions, and names and positions of staff in attendance.

4.3. Sharing Responsibility

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

4.3.1.1. The other Person, in fact, implements the control measure;

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

4.3.1.3. The other Person agrees to implement the control measure through a written agreement. This obligation shall be maintained as part of the description given in the Permittee’s SWMP. If the other Person agrees to report on the minimum control measure, the Permittee shall supply the other entity with the reporting requirements contained in Part 5.5. If the other Person fails to implement the control measure, the Permittee remains liable for any discharges due to any failure to implement the control measure.

4.3.1.4. Permittees shall conduct training of the responsible Person on the Permit requirements and applicable SOPs.

4.4. Reviewing and Revision of Storm Water Management Program

4.4.1. Storm Water Management Program Review. Permittees shall conduct and document, at a minimum, an annual review of the SWMP in conjunction with preparation of the annual report required in Part 5.5.

4.4.2. Storm Water Management Program Update. Permittees may revise the SWMP during the Permit term in accordance with the following procedures:

4.4.2.1. Revisions Requiring Director Notification. Revisions that add components, controls, or requirements, or BMPs to the SWMP may be made at any time upon written notification to the Director, unless it meets requirements outlined in Part 4.4.2.2.

4.4.2.2. Revisions Requiring Director Approval. Revisions that reduce or replace any component, control, requirement, or BMP of the SWMP is prohibited, unless the component, control, requirement or BMP is ineffective or infeasible. The Permittee shall document the BMP’s ineffectiveness or infeasibility, and shall replace the BMP with an alternative BMP. The Permittee shall provide the Director with a description of

the alternative BMP and the analysis of ineffectiveness or infeasibility of the replaced BMP for approval.

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

- 4.4.2.2.1. Permittees shall not implement any revision requiring Director approval until the Permittee has received approval, in writing, from the Director.
- 4.4.3. Permittees shall make SWMP revision requests or notifications in writing and signed in accordance with Part 6.14.
- 4.4.4. Director Required SWMP Revisions. The Director may require revisions to the SWMP to:
 - 4.4.4.1. Address impacts on receiving water quality caused, or contributed to, by discharges from the MS4;
 - 4.4.4.2. Include more stringent requirements necessary to comply with new Federal regulatory requirements; or
 - 4.4.4.3. Include such other conditions deemed necessary by the Director to comply with the goals and requirements of the Clean Water Act.

5.0 Narrative Standard, Monitoring, Recordkeeping and Reporting

5.1. Narrative Standard

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

5.2. Analytical Monitoring

Permittees are not required to conduct analytical monitoring as defined in Part 7.0 during the effective term of this Permit, with the following exceptions:

- 5.2.1. Water quality sampling may be required to identify pollutants of concern, pursuant to Part 3.1.
- 5.2.2. Permittees may be required to sample or test for characterizing illicit discharges pursuant to Parts 4.2.3.4.1 - 4.2.3.4.3.
- 5.2.3. In the event that the Permittee elects to conduct analytical monitoring as part of the SWMP, the Permittee is required to comply with Part 6.12.

5.3. Non-Analytical Monitoring

- 5.3.1. Permittees are required to conduct non-analytical monitoring as defined in Part 7.0, such as visual dry weather screening, to comply with Part 4.2.3.3.3.

5.4. Record Keeping

- 5.4.1. Permittees shall keep all documents required by this Permit current and up to date to ensure the purpose and objectives of the required documents are achieved.
- 5.4.2. Permittees are required to submit all revisions to supplementary documents to the Director in accordance with Parts 4.4 and 6.14.
- 5.4.3. The Director may, at any time, make a written determination that part, or all, of the appended documents are not in compliance with this Permit. If the Director make such a determination, the Permittee shall make modifications to the appended documents within a time frame specified by the Director.
- 5.4.4. Permittees shall retain all required plans, records of all programs, records of all monitoring information, copies of all reports required by this Permit, and records of all other data required by, or used to demonstrate compliance, with this Permit, for at least five years from the date of the record. This period may be extended by the Director at any time.

5.5. Reporting

- 5.5.1. Permittees shall submit an annual report to the Director by October 1 for the reporting period of July 1 to June 30 of each year, for the duration of the Permit.
- 5.5.2. Permittees shall submit the annual report using the report form provided on EPA's NeT system to electronically prepare and submit the annual report unless the Director grants a waiver from electronic reporting. NeT may be accessed at <https://cdx.epa.gov/cdx/>.
- 5.5.3. Permittees shall sign and certify the annual report in accordance with Part 6.14.
- 5.5.4. Signed copies of all other reports required herein, shall be submitted directly to the Division's electronic document system at: <https://deq.utah.gov/water-quality/water-quality-electronic-submissions>.

5.6. Legal Authority

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

- 5.6.1. Effectively prohibit illicit and non-storm water discharges into the MS4 and to implement appropriate enforcement procedures and actions;
- 5.6.2. Control the discharge of spills and the dumping or disposal of materials other than storm water into the MS4;
- 5.6.3. Control through interagency agreements among other MS4s the contribution of pollutants from one portion of the MS4 to another;
- 5.6.4. Require compliance with conditions in ordinances, permits, contract or orders; and
- 5.6.5. Conduct all inspection, surveillance and monitoring activities and procedures necessary to determine compliance with conditions in this Permit.

6.0 Standard Permit Conditions

Pursuant to 40 C.F.R. § 122.41, the Parts 6.1 – 6.22 are applicable to all UPDES permits:

6.1. Duty to Comply

Permittees shall comply with all conditions of this Permit. Any Permit noncompliance constitutes a violation of the Act and is grounds for enforcement action; for Permit coverage termination; or for denial of an application for Permit coverage.

6.2. Penalties for Violations of Permit Conditions

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

6.3. Duty to Reapply

If the Permittee wishes to continue an activity regulated by this Permit after the expiration date of this Permit, the Permittee shall apply for coverage under a future, renewed Permit.

6.4. Need to Halt or Reduce Activity not a Defense

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

6.5. Duty to Mitigate

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

6.6. Proper Operation and Maintenance

Permittees shall, at all times, properly operate and maintain all facilities and systems of treatment and control and related appurtenances which are installed or used by the Permittee to achieve compliance with the conditions of this Permit and with the requirements of the SWMP. Proper operation and maintenance also includes adequate laboratory controls and appropriate quality assurance procedures. Proper operation and maintenance requires the operation of backup or auxiliary facilities or similar systems, installed by the Permittee only when necessary to achieve compliance with the conditions of the Permit.

6.7. Permit Actions

Coverage under this Permit may be terminated for cause. The filing of a request by the Permittee for a Permit coverage termination, or a notification of planned changes or anticipated noncompliance, does not stay any Permit condition.

6.8. Property Rights

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

6.9. Duty to Provide Information

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

6.10. Inspection and Entry

Permittees shall allow the Director or an authorized representative, upon the presentation of credentials, to:

- 6.10.1. Enter upon the Permittee's premises where a regulated facility or activity is located or conducted, or where records shall be kept under the conditions of this Permit;
- 6.10.2. Have access to and copy, at reasonable times, any records that shall be kept under the conditions of this Permit;
- 6.10.3. Inspect at reasonable times any facilities or equipment, including monitoring and control equipment; and
- 6.10.4. Sample or monitor at reasonable times, for the purposes of assuring Permit compliance or as otherwise authorized by law, any substances or parameters at any location.

6.11. Monitoring and Records

- 6.11.1. Permittees shall ensure all samples and measurements taken for the purpose of monitoring are representative of the monitored activity.
- 6.11.2. Permittees shall retain records of all monitoring information including all calibration and maintenance records and all original strip chart recordings for continuous monitoring instrumentation, copies of the reports required by this Permit, and records of all data used to complete the application for this Permit, for a period of at least five years from the date of the sample, measurement, report or application. This period may be extended by the Director at any time.
- 6.11.3. Permittees shall include the following information in all monitoring records:
 - 6.11.3.1. The date, exact place, and time of sampling or measurements;
 - 6.11.3.2. The name(s) of the individual(s) who performed the sampling or measurements;
 - 6.11.3.3. The date(s) and time(s) analyses were performed;
 - 6.11.3.4. The name(s) of the individual(s) who performed the analyses;
 - 6.11.3.5. The analytical techniques or methods used; and
 - 6.11.3.6. The results of such analyses.

6.12. Monitoring Procedures

Permittees shall conduct monitoring according to test procedures approved under 40 C.F.R. § 136 and Utah Admin. Code R317-2-10. Any monitoring results shall be reported in the Annual Report required by Part 5.5.

6.13. Penalties for Tampering

Per the Act, any person who falsifies, tampers with, or knowingly renders inaccurate, any monitoring device or method required to be maintained under this Permit shall, upon conviction, be punished by a fine of not more than \$10,000 per day of violation, or by imprisonment, or both.

6.14. Signatory Requirements

All NOIs, SWMP, SWPPPs, reports, certifications or information either submitted to the Director, or that this Permit requires to be maintained by the Permittee, shall be signed, dated and certified as follows:

- 6.14.1. All NOIs shall be signed by either a principal executive officer or ranking elected official.
- 6.14.2. All reports required by the Permit and other information requested by the Director shall be signed by a person described in Part 6.14.1, or by a duly authorized representative of that person. A person is a duly authorized representative only if:
 - 6.14.2.1. The authorization is made in writing by a person described in Part 6.14.1 and submitted to the Director; and
 - 6.14.2.2. The authorization specifies either an individual or a position having responsibility for the overall operation of the regulated facility, such as the position of plant manager, superintendent, position of equivalent responsibility, or an individual or position having overall responsibility for environmental matters. A duly authorized representative may thus be either a named individual or any individual occupying a named position.
 - 6.14.2.3. Changes to authorization. If an authorization under Part 6.14.2 is no longer accurate because a different individual or position has responsibility for the overall operation of the facility, a new authorization satisfying the requirements of Part 6.14.2 shall be submitted to the Director prior to or together with any reports, information, or NOIs to be signed by an authorized representative.
- 6.14.3. Certification. Any person signing documents under this Part shall make the following certification:

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

6.15. Penalties for Falsification of Reports

Per the Act, any person who knowingly makes a false material statement, representation, or certification in any NOI, record, report, plan or other document submitted or required to be maintained under this Permit, including monitoring reports or reports of compliance or noncompliance shall, upon conviction, be punished by a fine of not more than \$10,000 per day of violation, or by imprisonment, or both.

6.16. Planned Changes

Permittees shall give notice to the Director as soon as possible of any planned physical alterations or additions to the portion of the MS4 owned or operated by the Permittee if those alterations or additions could significantly change the nature or increase the quantity of pollutants discharged; or if those alterations or additions could result in noncompliance with the Permit.

6.17. Transfers

Coverage under this Permit is not transferable to any Person. Any Person desiring to obtain coverage under this Permit comply with the requirement in Part 2.

6.18. Other Noncompliance

Permittees shall report all instances of noncompliance not reported under Part 6.20 in the Annual Report required under Part 5.5.

6.19. Other Information

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

6.20. Twenty-four Hour Reporting

6.20.1. Permittees shall report any noncompliance which may endanger health or the environment. Any information shall be provided orally to the Division within twenty-four hours from the time the Permittee becomes aware of the circumstances, by calling 801-536-4300, or the 24-hour answering service at 801-536-4123.

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

6.20.2.1. For noncompliance events related to combined sewer overflows, sanitary sewer overflows, or bypass events, the Permittee shall include in the written five-day report, in addition to the data described in Part 6.20.1, the type of event (combined sewer overflows, sanitary sewer overflows, or bypass events), type of sewer overflow structure (e.g., manhole, combine sewer overflow outfall), discharge volumes untreated by the treatment works treating domestic sewage, types of human health and environmental impacts of the sewer overflow event, and whether the noncompliance was related to wet weather.

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

6.21. Occurrence of a Bypass

- 6.21.1. Bypass Not Exceeding Limitations. The Permittee may allow any bypass to occur which does not cause effluent limitations to be exceeded, but only if it is for essential maintenance to assure efficient operation. Essential maintenance bypasses are not subject to Parts 6.21.2 and 6.21.3 of this Permit.

6.21.2. Prohibition of Bypass

- 6.21.2.1. Bypass is prohibited, and the Director may take enforcement action against the Permittee for bypass, unless:

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

6.21.2.1.2. There were no feasible alternatives to bypass, such as the use of auxiliary treatment facilities, retention of untreated wastes, or maintenance during normal periods of equipment downtime. This condition is not satisfied if adequate backup equipment should have been installed in the exercise of reasonable engineering judgement to prevent a bypass which occurred during normal periods of equipment downtime or preventive maintenance, and

6.21.2.1.3. The Permittee submitted notices as required under Part 6.21.3.

6.21.2.2. The Director may approve an anticipated bypass, after considering its adverse effects, if the Director determines that it will meet the three conditions listed in Parts 6.21.2.1.1-6.21.2.1.3.

6.21.3. Notice.

6.21.3.1. Anticipated bypass. Except as provided in Part 6.21.2 and in Part 6.21.3.2 if the Permittee knows in advance of the need for a bypass, it shall submit prior notice, at least ninety days before the date of bypass. The prior notice shall include the following unless otherwise waived by the Director:

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

6.21.3.1.2. A specific bypass plan describing the work to be performed including scheduled dates and times. The Permittee shall notify the Director in advance of any changes to the bypass schedule;

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

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

- 6.21.3.1.5. A water quality assessment plan to include sufficient monitoring of the receiving water before, during and following the bypass to enable evaluation of public health risks and environmental impacts; and,
- 6.21.3.1.6. Any additional information requested by the Director.
- 6.21.3.2. Emergency Bypass. Where ninety days advance notice is not possible, the Permittee shall notify the Director, and the Director of the Department of Natural Resources, as soon as it becomes aware of the need to bypass and provide to the Director the information in Part 6.21.3.1.1 - 6.21.3.1.6 to the extent practicable.
- 6.21.3.3. Unanticipated bypass. The Permittee shall submit notice of an unanticipated bypass to the Director as required under 6.20, Twenty-Four Hour Reporting. The Permittee shall also immediately notify the Director of the Department of Natural Resources, the public and downstream users and shall implement measures to minimize impacts to public health and environment to the extent practicable.

6.22. Upset Conditions

- 6.22.1. Effect of an upset. An upset constitutes an affirmative defense to an action brought for noncompliance with technology-based permit effluent limitations if the requirements of Part 6.22.2 of this permit are met. No determination made during administrative review of claims that noncompliance was caused by upset, and before an action for noncompliance, is final administrative action subject to review.
- 6.22.2. Conditions necessary for a demonstration of upset. To establish the affirmative defense of upset, the Permittee shall demonstrate, through properly signed, contemporaneous operating logs, or other relevant evidence that:
 - 6.22.2.1. An upset occurred and that the Permittee can identify the cause(s) of the upset;
 - 6.22.2.2. The permitted facility was at the time being properly operated;
 - 6.22.2.3. The Permittee submitted notice of the upset as required under Part 6.20, Twenty-four Hour Notice of Noncompliance Reporting; and,
 - 6.22.2.4. The Permittee complied with any remedial measures required under Part 6.5, Duty to Mitigate.
- 6.22.3. Burden of proof. In any enforcement proceeding, the Permittee seeking to establish the occurrence of an upset has the burden of proof.

6.23. Severability

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

6.24. State/Federal Laws

Nothing in this Permit shall be construed to preclude the Division of any legal action or relieve the Permittee from any responsibilities, liabilities, or penalties established pursuant to any applicable federal or state law or regulation.

6.25. Storm Water-Reopener Provision

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

P/N D R A F F T

7.0 **Definitions**

Definitions related to this Permit:

“40 C.F.R.” means Title 40 of the Code of Federal Regulations.

“80th percentile rainfall event” means an event in which the precipitation total is greater than or equal to 80 percent of all storm events over a given period of record. A reliable record of historical precipitation data should meet the following conditions: 1) come from an active rain gage; 2) have at least 30 years of data; and 3) have 90% data coverage for the period of record.

"Act" means the Utah Water Quality Act.

“Adequate compliance history” means the qualifying construction site has the following characteristics: 1) two (2) consecutive months of oversight inspections which did not result in enforcement, including warnings of enforcement (this may include the inspection prior to land disturbance and the first monthly inspection); 2) no instances of verified complaints; and 3) no observed impacts to waters of the state or the MS4 system.

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

“Arid location” means areas with an average annual rainfall of 0 to 10 inches.

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

“Clean Water Act” or “CWA” means the Federal Water Pollution Control Act.

"Co-Permittee" means any operator of a regulated Small MS4 that is applying jointly with another applicant for coverage under this Permit. A Co-Permittee owns or operates a regulated Small MS4 located within or adjacent to another regulated MS4. A Co-Permittee is only responsible for complying with the conditions of this Permit relating to discharges from the MS4 the Co-Permittee owns or operates. *See* also 40 C.F.R. § 122.26(b)(1).

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

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

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

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

"Discharge" means, for the purpose of this Permit, unless indicated otherwise, discharges from the MS4.

"Division" means the Utah Division of Water Quality.

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

"Electronic site inspection" means geo-located and time-stamped photographs a construction operator takes, evaluates, and submits electronically to the Permittee.

"EPA" means the United States Environmental Protection Agency.

"Escalating enforcement procedures" means a variety of enforcement actions available to apply, as necessary, depending on the severity of the violation and/or the recalcitrance of the violator.

"Frozen conditions" means conditions on a construction sites where: 1) Discharges are unlikely due to continuous frozen conditions that are likely to continue at the site for at least three (3) months based on historic seasonal averages; 2) the site has suspended land disturbances; and 3) the site has stabilized disturbed areas of the site, where possible, in accordance with the relevant sections of the current, applicable UPDES construction storm water permit.

"General Permit" means a Permit which covers multiple dischargers of a point source category within a designated geographical area, in lieu of individual Permits being issued to each discharger.

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

"Illicit connection" means any man-made conveyance connecting an illicit discharge directly to a MS4.

"Illicit discharge" means, for the purposes of this Permit, any discharge to an MS4 that is not composed entirely of storm water except allowable non-storm water discharges, as identified in Part 1.2.2.2, discharges pursuant to a UPDES Permit (other than the UPDES Permit for discharges from the MS4), or discharges directly to waters of the state.

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

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

"Maximum Extent Practicable" or "MEP" is the technology-based discharge standard for MS4s established by 33 U.S.C. § 1342(p)(3)(B)(iii), which reads "Permits for discharges from municipal storm sewers shall require controls to reduce the discharge of pollutants to the maximum extent

practicable, including management practices, control techniques, and system, design, and engineering methods, and other such provisions as the Administrator or the State determines appropriate for the control of such pollutants.”

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

“Municipal separate storm sewer system” or “MS4” means a conveyance or system of conveyances (including roads with drainage systems, municipal streets, catch basins, curbs, gutters, ditches, man-made channels, or storm drains) pursuant to Utah Admin. Code R317-8-1(1.6)(4), (8), & (15), or designated under Utah Admin. Code R317-8-11(11.3)(1)(a)(6) and Utah Admin. Code R317-8-11(11.3)(1)(a)(6)(b).

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

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

“Non-storm water discharges” means discharges to or from a MS4 that are not composed entirely of storm water. These discharges are prohibited except as identified in Part 1.2.2.2 and 1.4.1. Prohibited non-storm water discharges include, but are not limited to, spills, illicit connections, illegal dumping, sanitary sewer overflows.

“Notice of Intent” or “NOI” refers to the application to be covered by this Permit and is the mechanism used to register for coverage under a General Permit.

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

“Permittee” means a Small MS4 operator who meets the requirements of Part 1.2.1.1.

“Person” means an individual, trust, firm, estate, company, corporation, partnership, association, state, state or federal agency or entity.

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

“Qualified person” means a person who has 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 a 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 including, but not limited to: Utah Registered Storm Water Inspector (“RSI”); Certified Professional in Erosion and Sediment Control (“CPESC”); Certified Professional in Storm Water Quality (“CPSWQ”); Certified Erosion, Sediment, and Storm Water Inspector (“CESSWT”); Certified Inspector of Sediment and Erosion Control (“CISEC”); National Institute for Certification in Engineering Technologies, Erosion and Sediment Control, Level 3 (“NICET”); Certified Stormwater Inspector Construction (“CSI-Construction”); Qualified Compliance Inspector of Stormwater (“QCIS”); and EPA NPDES Construction General Permit Inspector Training.

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

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

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

“Seasonally dry period” means a month or months 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>. The Permittee is required to conduct site inspections based upon actual conditions (i.e., if wet weather conditions occur sooner than expected, the Permittee is required to conduct inspections at the regular frequency).

“Small municipal separate storm sewer system” or “Small MS4” is any MS4 not already covered by the Phase I program as a medium or large MS4. The Phase II Rule automatically covers on a nationwide basis all Small MS4s located in “urbanized areas” (“UAs”) as defined by the Bureau of the Census (unless waived by the UPDES Permitting authority), and on a case-by-case basis those Small MS4s located outside of UAs that the UPDES Permitting authority designates.

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

“Standard Operating Procedure” or “SOP” means a set of written instructions that document a routine or repetitive activity, and emphasize pollution control measures to protect water quality with details specific to the location.

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

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

“Storm water management program” means a set of measurable goals, actions, and activities as required in Part 4.2 designed to reduce the discharge of pollutants from the Small MS4 to the maximum extent practicable and to protect water quality.

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

“Thawing conditions” occur at a qualifying construction site when, based on historical weather data, there is an expected likelihood of two or more days with daytime temperatures greater than 32°F. The estimation of thawing conditions is for planning purposes only.

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

“Urbanized area” or “UA” means an area with a population of 50,000 or more people as determined by the latest Decennial Census by the Bureau of the Census.

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