

Official Draft Public Notice Version **May 19, 2026**

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

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

**UPDES PERMIT NUMBER UTS000002**

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

SALT LAKE CITY (“Permittee”)

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

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

**This Permit and the authorization to discharge shall expire at 11:59 pm on June 21<sup>st</sup>, 2031, except as described in Part 6.3.**

**Signed this **DATE****

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Candice A. Hasenyager, P.E.  
Director

**UPDES PERMIT FOR DISCHARGES FROM  
SALT LAKE CITY'S MUNICIPAL SEPARATE STORM SEWER SYSTEM**

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## 1.0 Coverage Under this Permit

### 1.1 Authority to Discharge

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

### 1.2 Permit Area and Eligibility

1.2.1 This Permit covers the municipal separate storm sewer system (“MS4”) within Salt Lake City excluding:

1.2.1.1 The area and storm water system within the legal right of way for I-15, I-80, I-215, and all other streets and roadways maintained by UDOT;

1.2.1.2 The area and storm water system within the municipal storm sewer system boundary of the University of Utah and the George E. Wahlen Veterans Administration Medical Center; and

1.2.1.3 The following portions of the storm water system which are owned and operated by Salt Lake County: Lee Drain; Lee Pump Station to Lee Creek; Goggin Drain; Surplus Canal to Great Salt Lake; City Drain; West Branch from CWA 2 Drain to Sewage Canal; CWA 2 Drain from CWA 1 Drain to West Branch City Drain; CWA 3 Drain from Brighton Canal Extension to CWA 2 Drain; CWA 1 Drain from Roper Yard to CWA 2 Drain; 4th Avenue Drain; Virginia Street to City Creek; and 8th South Drain; East High Basin to Jordan River Surplus Canal.

1.2.2 This Permit covers the following authorized discharges:

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

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

The Permittee is prohibited from discharging:

- 1.4.1 Discharges that are mixed with sources of non-storm water unless such non-storm water discharges are in compliance with a separate UPDES Permit or are determined, 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 that would cause or contribute to in-stream exceedances of water quality standards identified in Utah Admin. Code R317-2-14.
- 1.4.5 Discharges currently covered under another UPDES Permit.
- 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 an Application is submitted. If conditions change after coverage is issued, the coverage may remain active provided the Permittee complies with the conditions and requirements of Part 3.1.

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

The Permittee shall develop and sign the following documents, in accordance with Part 6.14, and will append the documents the Permit:

- 1.5.1 Appendix I: *Storm Water Management Plan (“SWMP”)* – The Permittee shall include in the SWMP all requirements listed in Parts 3 and 4.
- 1.5.2 Appendix II: *Responsible Person Identification and Accountability* – The Permittee shall include any necessary agreements, contracts, or memorandum of understanding (“MOUs”) between the Permittee and other municipal or non-municipal entities that affect the implementation and operation of the SWMP. Necessary agreements, contracts, and MOUs shall address coordination or clarification of the responsibilities associated with the detection and elimination of illicit connections or illicit discharges to the MS4, Best Management Practice (“BMP”) coordination or other coordinated programs or sensitive issues of unclear or overlapping responsibility.
- 1.5.3 Appendix III: *Storm Water Wet and Dry Weather Monitoring Plans* – The purposes, objectives, and the required contents for Appendix III are listed in Part 5.2 of this Permit. Modifications to this document shall be approved, in writing, by the Director.
- 1.5.4 Revisions and Maintenance of Appendices:
  - 1.5.4.1 The Permittee shall keep all Appendices up to date and be able to demonstrate efforts made to achieve the purpose and objectives of each Appendix.
  - 1.5.4.2 The Permittee shall maintain and provide, upon request, evidence that all revisions to the Appendices were submitted to the Director, e.g. Division of Water Quality (“Division”) Electronic Portal Confirmation, Division e-mail verification, and if required, the Permittee shall

provide evidence that the revision was approved by the Director, e.g. a document or letter signed by the Director indicating that the modification was approved.

- 1.5.4.3 For each Appendix, the Permittee shall maintain a record of the original document, each revision, the date the revision was made, and if applicable, the date the Director approved the revision.
- 1.5.4.4 The Director may, at any time, make a written determination that all, or any part of, any Appendix is insufficient and does not comply with the Permit. If such a determination is made, the Permittee shall make revisions to the insufficient part(s) within **30 days**, or by an alternative timeframe approved by the Director.

## **2.0 Application Requirements**

The Permittee shall submit an Application at least **180 days** before the expiration of this Permit according to Part 6.3.

### **2.1 Contents of the Application**

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

- 2.1.1 Name, address, and telephone number of the principal executive officer, ranking elected official or other duly authorized employee in charge of municipal resources used for implementation of the SWMP.
- 2.1.2 The Permittee's type and legal status as a Federal, State, private, or other public Person other than Federal or State.
- 2.1.3 A map which identifies the land for which the Permittee is requesting authorization to discharge from; the names/identification of waters of the state that receive discharges from the Permittee's MS4; and a summary description of the overall water quality concerns and priorities of those waters.
- 2.1.4 The number of people that are served by the MS4;
- 2.1.5 Name and title of the person responsible for overseeing implementation and coordination of the SWMP;
- 2.1.6 Summary description of the overall water quality concerns, priorities, and measurable goals specific to the Permittee that were considered in the development of the SWMP;
- 2.1.7 Information on the chosen BMPs and the measurable goals for each of the storm water minimum control measures in Part 4.2 and, as appropriate, the timeframe by which the Permittee will achieve required actions, including interim milestones;

- 2.1.8 If the Permittee is relying on another Person(s) to satisfy one or more of its Permit obligations, the Permittee shall include with the Application a summary of the Permit obligations that will be carried out by the other Person(s). During the term of the Permit, the Permittee may terminate or amend shared responsibility arrangements by notifying the Director, provided this does not alter implementation deadlines.
- 2.1.9 A comprehensive wet weather monitoring report including historical data, identified trends, and conclusions.
- 2.1.10 Certification and signature in accordance with Part 6.14.

### 3.0 Special Conditions

#### 3.1 Discharges to Water Quality Impaired Waters

- 3.1.1 **Applicability:** The Permittee's storm water discharges to the Jordan River and its tributaries, which are listed as impaired for various parameters on Utah's 303(d) list, which is available at <https://wq.deq.utah.gov/>. Water quality impaired waters are any segment of surface waters that has been identified by the Director as failing to support designated uses.
- 3.1.1.1 The Permittee shall review the 303(d) list biennially after the Division's Integrated Report is released and determine whether additional impairments to the Jordan River were identified during the previous Integrated Report cycle. The Permittee shall update the SWMP within **180 days** of the release of Integrated Report, as needed, to address newly added impairments.
- 3.1.1.2 The Permittee shall determine whether a TMDL has been developed by the Director and approved by EPA for the listed waterbody. If there is an approved TMDL, the Permittee shall comply with all requirements associated with the TMDL as well as the requirements of Part 3.1.2. Part 3.2 identifies requirements for the Jordan River *Escherichia coli* ("*E. coli*") TMDL. If no TMDL has been approved, the Permittee shall comply with Part 3.1.2 and any TMDL requirements once it has been approved. TMDL requirements may be put into effect at any time during this Permit term.
- 3.1.2 The Permittee shall include in the SWMP a description of how the Permittee will control the discharge of the 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 other violation(s).

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

- 3.2.1 **TMDL Compliance Plan.** The Permittee discharges to waters listed on the Utah 303(d) list as impaired for *E. coli* (listed as bacteria) for which storm water is a contributing source per the *Jordan River Watershed Wide E. coli TMDL*. The Permittee shall include a written TMDL Compliance Plan addressing the pollutant reduction requirements of the TMDL as it relates to MS4s in its SWMP. The *Jordan River E. coli TMDL MS4 Guidance Document* available on the Division's website will provide supplemental information to assist the Permittee with compliance with the Permit requirements below. The TMDL Compliance Plan must 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.** The Permittee shall identify potential sources of *E. coli* in the MS4 and target specific

audiences that may be contributing to the *E. coli* sources. The Permittee shall provide and document education and outreach given to the target audiences on the impacts to water quality associated with these types of discharges and BMPs that can be implemented to reduce the discharge of *E. coli*.

- 3.2.1.1.1 The Permittee may meet the requirements of Part 3.2.1.1 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. The Permittee 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. The Permittee shall create a plan to prioritize reduction activities to address the areas and sources identified in the inventoried *E. coli* areas. The *E. coli* reduction prioritization plan shall include structural and nonstructural BMPs to reduce the potential of the discharge of *E. coli*. The Permittee shall implement these controls for the duration of the Permit.
  - 3.2.1.2.2 Illicit Discharge Detection Elimination (“IDDE”) Priority Areas. The Permittee shall add the inventoried *E. coli* 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”). The Permittee 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. The Permittee 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. The Permittee shall evaluate the following potential *E. coli* generating activities to determine whether the permittee's existing SOPs for Facilities, Fleet, Gallivan Center, Golf, Parks, Public Utilities, Right of Way Maintenance, Streets, Waste & Recycling, and Water Quality should target reduction of *E. coli* discharge. The Permittee may also create additional SOPs for the reduction of *E. coli* discharge from the MS4. The potential *E. coli* generating activities to be evaluated are as follows: 1) surface cleaning and controlling litter; 2) lake and lagoon maintenance; 3) mowing/trimming/planting; 4) inspection and cleaning of stormwater conveyance structures; controlling illicit connections and discharges; controlling illegal dumping to storm water collection and conveyance structures; 5) solid waste collection, controlling litter, controlling illegal dumping of solid wastes; and 6) water line maintenance, sanitary sewer maintenance, spill/leak/overflow control, response, and containment.
- 3.2.1.5 Low Impact Development ("LID"). The Permittee shall promote the use of LID controls for which *E. coli* has a medium or high pollutant removal effectiveness, as identified in the Guide to Low Impact Development within Utah, Appendix C on the Division's website: <https://deq.utah.gov/water-quality/municipal-separate-storm-sewer-system-ms4s-permits-updes-permits>.
- 3.2.1.6 Retrofit Plan. The Permittee shall add potential *E. coli* reduction as a criterion for ranking when evaluating the Permittee's retrofit plan per Part 4.2.6.9.
- 3.2.1.7 Monitoring. The Permittee shall monitor and analyze *E. coli* (No./100 mL) at its Wet-Weather Monitoring sites in Permit Part 5.2.2.4.
- 3.2.2 TMDL Compliance Report. The Permittee shall submit a TMDL Compliance Report with its Annual Report required by Part 5.6. The TMDL Compliance Report shall include identification of problem areas for which source control BMPs were developed, the cost, and the anticipated pollutant reduction.

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

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

## 4.0 Storm Water Management Plan

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

### 4.1 Requirements

- 4.1.1 The Permittee shall submit a revised SWMP to the Director within **180 days** of the effective date of this Permit, which includes at a minimum, the following:
  - 4.1.1.1 Permit number;
  - 4.1.1.2 Mapping. MS4 location description and map, whether electronic or hard copy, that shows the location of each storm sewer outfall, storm drain pipe and other storm water conveyance structures, and the name and location of each water of the state that receives discharges from the MS4;
  - 4.1.1.3 Description of any water quality concerns, priorities, and measurable goals specific to the Permittee that were considered in the development and/or revisions to the SWMP;
  - 4.1.1.4 Description of the program elements that have been, or will be, implemented in each of the six minimum control measures required under Part 4.2;
  - 4.1.1.5 Description of any modifications to ordinances or long-term/ongoing processes implemented in accordance with the previous Salt Lake City MS4 Permit for each of the six minimum control measures;
  - 4.1.1.6 Description of how the Permittee intends to meet the requirements described in Parts 3 and 4 by either referencing existing program areas that already meet the requirements, or a description and relevant measurable goals that include, as appropriate, the year by which the Permittee will achieve required actions, including interim milestones.
- 4.1.2 The SWMP shall indicate the person(s) responsible for implementing or coordinating the BMPs contained within the SWMP.
- 4.1.3 The SWMP shall include a narrative of the strategy and any necessary schedules required for wet weather monitoring in Part 5.2 and dry weather screening in Part 4.2.3.3.3.
- 4.1.4 The SWMP shall include the requirements for the Permittee's Industrial and High-Risk Runoff Program in Part 4.3.
- 4.1.5 The SWMP shall include the certification and signature requirements in Part 6.14.
- 4.1.6 The SWMP shall be developed and implemented in accordance with the schedules contained in Part 4.0 of this Permit.
- 4.1.7 The SWMP shall include the ongoing documentation process for gathering, maintaining, and using information to conduct planning, set priorities, track the development and implementation of the

SWMP, evaluate compliance/non-compliance, and evaluate the effectiveness of the SWMP implementation.

- 4.1.7.1 The Permittee shall track the number of inspections performed, official enforcement actions taken, and types of public education activities implemented as required for each SWMP component. This information shall be provided to the Director, upon request, and used by the Director to determine compliance with this Permit.
- 4.1.7.2 The Permittee shall secure the resources necessary to meet all requirements of this Permit. The Permittee shall conduct an annual analysis of the capital, and operation and maintenance expenditures needed, allocated, and spent, as well as the necessary staff resources needed and allocated to meet the requirements of this Permit, including any development, implementation, and enforcement activities required. The Permittee shall submit a summary of its fiscal analysis with each Annual Report required by Part 5.6.
- 4.1.8 The Permittee shall ensure the SWMP clearly identifies the roles and responsibilities of all offices, departments, Directors, or sub-sections, and if necessary, other responsible entities. The Permittee shall include any necessary agreements, contracts, or MOUs between itself and any responsible entities that affect the implementation and operation of the SWMP. Such agreements, contracts, and MOUs shall be contained in Appendix II: *Responsible Person Identification and Accountability*.
- 4.1.9 Failure to meet these requirements within the timeframes set forth is a violation of this Permit and may result in an enforcement action by the Director.

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

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

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

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

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

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

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

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

- 4.2.1.1 The Permittee shall target specific pollutants and pollutant sources determined by the Permittee to be impacting, or have the potential to impact, the designated uses of receiving water. This includes: 1) providing information which describes the potential impacts from storm water discharges; 2) methods for avoiding, minimizing, reducing and/or eliminating the adverse impacts of storm water discharges; and 3) the actions individuals can take to improve water quality, including encouraging participation in local environmental stewardship activities, based on the land uses and target audiences found within the community.
- 4.2.1.2 General Public. On an annual basis, the Permittee 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. The Permittee shall document dates, topics, and number of people educated for each component of their education and outreach program.
  - 4.2.1.2.1 The Permittee shall, at a minimum, consider the following topics: 1) maintenance of septic systems; 2) effects of outdoor activities such as lawn care (use of pesticides, herbicides, and fertilizers); 3) benefits of onsite infiltration of storm water; 4) effects of automotive work and car washing on water quality; 5) proper disposal of swimming pool water; 6) proper management of pet waste; and 7) any other relevant topics specific to the MS4. The Permittee 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, the Permittee 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. The Permittee shall document dates, topics, and number of people educated for each component of its education and outreach program.
  - 4.2.1.3.1 The Permittee 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. The Permittee shall evaluate these topics and prioritize education on those most relevant to the community.

- 4.2.1.3.2 The Permittee shall select a minimum of two (2) “priority” commercial sites/sources annually from the inventory required by Part 4.3.1 and provided education and outreach specific to the type of commercial source selected. The outreach shall focus on Permittee’s prohibition against illicit discharges and improper disposal of waste and the impacts to water quality associated with these types of discharges. It shall specifically address the common pollutants associated with the type of commercial site selected and ways that the commercial sites could prevent the discharge of pollutants into the MS4.
- 4.2.1.4 Construction Engineers, Contractors, Developers, Development Review Staff, and Land Use Planners On an annual basis, the Permittee shall provide, and document, education and outreach given to **engineers, construction contractors, developers, development review staff, and land use planners** concerning the development of storm water pollution prevention plans (“SWPPPs”) and BMP use, to reduce adverse impacts from storm water runoff from development sites. The Permittee shall document dates, topics, and number of people educated for each component of its 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*

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

The minimum performance measures are:

- 4.2.2.1 The Permittee shall adopt a program or policy directive to create opportunities for the public to provide input during the decision-making processes involving the development, implementation and update of the SWMP, including development and adoption of all required ordinances or regulatory mechanisms.
- 4.2.2.2 The Permittee shall make the revised SWMP available to the public for review and input prior to submission to the Division.
- 4.2.2.3 The Permittee shall post the latest version of the SWMP within **180 days** from the effective date of the Permit on its website and shall clearly denote a specific contact person and phone number or email address to allow the public to review and provide input for the duration of the Permit. The Permittee shall keep a current version of the SWMP available on its website for public review and input for the duration of the Permit.

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

The Permittee shall revise, as necessary, implement and enforce an IDDE program to systematically

find and eliminate sources of non-storm water discharges to the MS4 and to implement defined procedures to prevent illicit connections and discharges according to the minimum performance measures listed below. The IDDE program shall be described in writing, included in the SWMP, and contain the elements detailed in this Part.

The minimum performance measures are:

- 4.2.3.1 MS4 Map. The Permittee 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. The Permittee shall prohibit, through ordinance or other regulatory mechanism, non-storm water discharges as defined in Part 7.0, into the MS4. The Permittee shall require removal of such discharges consistent with Part 4.2.3.4.3 and implement appropriate enforcement procedures and actions. The Permittee shall have a variety of enforcement options in order to apply and escalate enforcement procedures as necessary based on the severity of violation and/or the failure of the violator to address the violation(s). Discharges 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 The Permittee 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 documented IDDE program shall include a reference or citation of the authority the Permittee will use to implement the IDDE program.
- 4.2.3.3 IDDE Plan. The Permittee shall prepare and implement a written plan to detect and address non-storm water discharges 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 its selection of each priority area and create a list of all priority areas identified in the system. This priority area list shall be updated annually to reflect changing priorities.

- 4.2.3.3.2 Priority Area Inspections. The Permittee shall conduct field inspections of priority areas identified in Part 4.2.3.3.1, annually, at a minimum, and utilize an inspection form to document findings.
- 4.2.3.3.3 Dry Weather Screening Inspections. The Permittee shall inspect/conduct dry weather screenings as defined in Part 7.0 at all outfalls at least once during the Permit term, and utilize an inspection form to document findings, to verify outfall locations and detect illicit discharges that discharge within the Permittee's jurisdiction to a receiving water.

- 4.2.3.3.4 Other Permitting. If the Permittee discovers or suspects that a discharger may require a separate UPDES permit (e.g., Industrial Storm Water Permit, Dewatering Permit), the Permittee shall notify the Director within 30 days.
- 4.2.3.3.5 Household Hazardous Waste Collection. The Permittee shall promote or provide services for the collection of household hazardous waste.
- 4.2.3.3.6 IDDE Hotline. The Permittee shall publicly list and publicize a hotline or other local telephone number for public reporting of spills and other illicit discharges. A written record shall be kept of all calls received, all follow-up actions taken, and any feedback received from public education efforts.
- 4.2.3.4 SOPs. The Permittee shall implement the following SOPs in its IDDE program:
- 4.2.3.4.1 Tracing Illicit Discharges SOP. The Permittee shall implement an SOP for tracing the source of an illicit discharge. The SOPs should include procedures such as: 1) visual inspections; 2) opening manholes, when necessary; 3) using mobile cameras; 4) using field tests of selected chemical parameters as indicators of discharge sources; 5) collecting and analyzing water samples for the purpose of determining sanctions or penalties; and/or 6) other detailed inspection procedures.
- 4.2.3.4.1.1 When the source of an illicit non-storm water discharge is identified and confirmed, the Permittee shall record the following information in an inspection report: 1) the date the Permittee became aware of the non-storm water discharge; 2) the date the Permittee initiated an investigation of the discharge; 3) the date the discharge was observed; 4) the location of the discharge; 5) a description of the discharge; 6) the method of discovery; 7) the date of removal, repair, or enforcement action; and 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 inspection report shall document 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, the Permittee 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. The Permittee shall implement SOPs for characterizing the nature of illicit discharges and the potential public or environmental threat posed by the discharges when found by or reported to the Permittee by the hotline or other telephone number described in Part 4.2.3.3.6. 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. The Permittee shall implement SOPs for ceasing the illicit discharge, including: 1) notification of appropriate authorities; 2), notification of the property owner; 3) technical assistance for removing the source of the discharge or otherwise eliminating

the discharge; 4) follow-up inspections; and 5) escalating enforcement and legal actions if the discharge is not eliminated. The SOP shall include detailed instructions for evaluating how the discharge will be immediately contained, and steps to contain the discharge. Compliance with this provision will be achieved by initiating an investigation immediately upon being alerted of a potential illicit discharge. Illicit 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, the Permittee shall ensure immediate cessation of non-storm water discharges, as defined in Part 7.0 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 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 Response SOP. The Permittee shall develop and implement an SOP for spill and improper disposal response, including a flow chart for internal use, that shows the procedures for responding to public referrals of illicit discharges, the various responsible agencies and respective contacts, and who would be involved in illicit discharge incident response, even if it is a different Person, other than the Permittee. The SOP shall be incorporated as part of the IDDE program. The SOP shall be maintained and updated as changes occur.
- 4.2.3.4.5 Program Evaluation and Assessment SOP. The Permittee shall implement SOPs for program evaluation and assessment that includes maintaining a database for mapping; tracking the number and type of spills or illicit discharges identified; and inspections conducted.
- 4.2.3.5 Records. The Permittee shall thoroughly document all IDDE investigations. The Permittee shall provide inspection reports to the Director, upon request. All IDDE documentation shall be retained for a period of five years. This period may be extended by the Director at any time.
- 4.2.3.6 Training. The Permittee shall, at a minimum, train all staff, MS4 contractors, office personnel, 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. The Permittee 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. The Permittee 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*

The Permittee shall revise, as necessary, implement, and enforce a program to reduce pollutants in any storm water runoff to the MS4 from qualifying construction sites, as defined in Part 7.0, according to the minimum performance measures listed below. The Permittee 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. The Permittee 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](http://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 The Permittee shall require construction operators to prepare and implement a SWPPP to protect water quality. The SWPPP requirements shall be, at a minimum, consistent 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](http://construction.stormwater.utah.gov).
- 4.2.4.1.2 The Permittee shall require construction operators to obtain coverage under the current, applicable UPDES construction storm water permits for the duration of the project. The Permittee 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 ordinance or other regulatory mechanism shall include a provision for access by a qualified person, as defined in Part 7.0, to inspect construction sites, including storm water BMPs, on private properties that discharge to the MS4.
- 4.2.4.2 Enforcement Strategy. The Permittee shall develop a written enforcement strategy, and implement the enforcement provisions of the ordinance or other regulatory mechanism.

The enforcement strategy shall include:

- 4.2.4.2.1 Construction Oversight Enforcement SOP. The Permittee 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.

- 4.2.4.2.2 Enforcement Tracking. Documentation and tracking of all enforcement actions.
- 4.2.4.3 Pre-Construction Review. The Permittee shall develop and implement a checklist for pre-construction SWPPP review that is consistent with the requirements of the current, 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 Stormwater Inspection Program. The Permittee shall implement and document a construction site storm water runoff control inspection program to ensure compliance with all requirements set forth in the most current, applicable UPDES construction storm water permits.

The program shall include the following:

- 4.2.4.4.1 Construction Oversight Inspections SOP. The Permittee 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 of behalf of the Permittee.
- 4.2.4.4.2 Monthly Inspections. The Permittee shall conduct monthly inspections of all new qualifying construction sites, as defined in Part 7.0. These inspections shall be conducted by a qualified person, as defined in Part 7.0, using the Construction 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. The Permittee shall reduce its 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. The Permittee may reduce its 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.
- 4.2.4.4.3 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. The Permittee 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. The Permittee 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.

- 4.2.4.5.2 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. The Permittee 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. The Permittee 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)***

The Permittee shall revise, as necessary, implement, and enforce a program to address post-construction storm water runoff to the MS4 from private and public new development and redevelopment 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, including roads.

The minimum performance measures are:

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

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

**New development projects** shall manage rainfall on-site and prevent the off-site discharge of the precipitation from all rainfall events less than or equal to the 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 an 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. An LID approach promotes the implementation of storm water controls that allow storm water to infiltrate, have evapotranspiration or harvest<sup>1</sup> and use storm water on site to reduce runoff from the site and protect water quality.

Guidance for implementing LID 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. The Permittee 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. The ordinance or other regulatory mechanism shall apply,

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

at a minimum, to new development and redevelopment sites that are qualifying construction sites, as defined in Part 7.0. The regulatory mechanism shall require storm water control selection, design, installation, operation, and maintenance standards 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. The Permittee 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. The Permittee 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 the Permittee 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 stormwater 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 Mechanism Documentation. The Permittee shall maintain documentation on how the requirements of the 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 expected from the selected controls; and 3) the technical basis which 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: 1) inspection; 2) follow-up; and 3) documentation according to the requirements below:

- 4.2.5.4.1 Control Verification Inspection. The Permittee shall inspect, using a person who has been appropriately trained, as identified in Part 4.2.5.6, permanent structural controls at least once during installation. Upon completion, the Permittee shall verify that long-term controls were constructed as designed. The Permittee shall document these inspections.
- 4.2.5.4.2 Maintenance Inspections. The Permittee, or, if applicable, the property owner/owner 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. The Permittee, 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 quality of: vegetation and soils; inlet and outlet channels and structures; catch basins; spillways; weirs, and other control structures; and sediment and debris accumulation in storage as well as in and around inlet and outlet structures; and 6) specific maintenance issues or violations found that need to be corrected by the property owner or operator along with deadlines and re-inspection dates.
- 4.2.5.5 Inventory. The Permittee shall maintain an inventory of all post-construction structural storm water control measures installed and implemented at new development and redevelopment sites that are qualifying construction sites, as defined in Part 7.0. This inventory shall include both public sites and private sector sites that were developed since the Permittee obtained coverage under this Permit, or the date that post-construction requirements came into effect, whichever is later.
- 4.2.5.5.1 Each entry to the inventory shall include: 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 Parts 4.2.5.4, the Permittee shall update the inventory as appropriate where changes occur in property ownership, or in the specific control measures implemented at the site.
- 4.2.5.6 Training. The Permittee 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. The Permittee 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; 6) and the specific requirements for post-construction control and the associated storm water controls chosen within 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. The Permittee 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***

The Permittee shall implement a program for Permittee-owned or operated facilities, operations and structural storm water controls that includes SOPs, pollution prevention BMPs, SWPPPs or similar types of documents, and a training component that have the ultimate goal of preventing or reducing the runoff of pollutants to the MS4 and waters of the state ("Pollution Prevention and Good Housekeeping Program"). 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 Part. The Permittee shall develop an inventory of all such Permittee-owned or operated facilities. The Permittee shall review this inventory annually and update as necessary.

The minimum performance measures are:

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

The inventory shall include, but is not limited to, the following facilities: 1) composting facilities; 2) equipment storage and maintenance facilities; 3) fuel farms; 4) hazardous waste disposal facilities; 5) hazardous waste handling and transfer facilities; 6) incinerators; 7) landfills; 8) landscape maintenance on municipal property; 9) materials storage yards; 10) pesticide storage facilities; 11) public buildings, including libraries, police stations, fire stations, municipal buildings, restrooms, and similar Permittee-owned or operated buildings; 12) public parking lots; 13) public golf course maintenance facilities; 14) public swimming pool maintenance facilities; 15) public works yards; 16) public marinas or boat launches; 17) recycling facilities; 18) salt storage facilities and de-icing storage facilities; 19) solid waste handling and transfer facilities; 20) street repair and maintenance facilities and/or shed sites; 21) vehicle storage and maintenance yards; 22) airports; 23) animal control facilities; 24) vehicle salvage yards; 25) chemical storage facilities; and 26) transportation hubs, including bus stations.

- 4.2.6.2 Possible Pollutants at Inventoried Facilities. The Permittee 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.
- 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. The Permittee shall implement water quality control measures and BMPs at all “high priority” facilities designed to target the specific pollutants generated on site, and/or the pollutants associated with the impaired waters. The Permittee shall monitor the control measures and BMPs regularly to verify that the BMPs are functioning. Control measures, BMPs, and monitoring schedules shall be specified in the SWMP.

4.2.6.3.2 SWPPPs for “High Priority” Facilities. The Permittee 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 schedule of the facility.

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 “High Priority” Facility Inspections. The Permittee shall conduct the following inspections at “high priority” Permittee-owned or operated facilities:

4.2.6.4.1 Monthly Visual Inspections. The Permittee 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 shall include any identified deficiencies and the corrective actions taken to fix the deficiencies.

4.2.6.4.2 Semi-Annual Comprehensive Inspections. The Permittee shall perform a comprehensive inspection of “high priority” facilities, including all storm water controls, at least twice per year. The semi-annual inspection shall specifically 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; and 3) the facility's SWPPP. The Permittee shall document the semi-annual inspection results on an inspection report and shall keep or reference the location of the inspection records within the facility's SWPPP. The semi-annual inspection shall be done in accordance with the inspection SOPs. The inspection report shall include any identified deficiencies and the corrective actions taken to remedy the deficiencies.

- 4.2.6.4.3 Annual Visual Observation of Storm Water Discharges. The Permittee shall visually observe the quality of the storm water discharges from the "high priority" facilities at least once per year. The Permittee shall remedy any observed problems, e.g., color, foam, sheen, turbidity, that can be associated with pollutant sources or controls as soon as practicable, but at a minimum, before the next storm event, to prevent discharge to the storm drain system. The Permittee shall document visual observations on an inspection report and shall keep or reference the location of the records of the visual observations within the facility's SWPPP. This inspection shall be done in accordance with the inspection SOPs. The inspection report shall include any identified deficiencies and the corrective actions taken to remedy the deficiencies.
- 4.2.6.5 Operations and Maintenance SOPs. The Permittee shall develop and implement SOPs to protect water quality at each of the facilities owned or operated by the Permittee and/or activities conducted by the Permittee including, but not limited to: 1) buildings and facilities; 2) material storage areas; 3) heavy equipment storage areas and maintenance areas; 4) parks and open spaces; 5) vehicle and equipment; 6) roads, highways, and parking lots; and 7) storm water collection and conveyance systems.
- 4.2.6.5.1 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; 19) fire hydrant flushing; and 20) any activities or operations not listed above that would reasonably be expected to discharge contaminated runoff.
- 4.2.6.5.2 MS4 Maintenance SOPs. The Permittee 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. The Permittee shall prioritize sweeping and storm sewer system maintenance, with the highest priority areas being

maintained at the greatest frequency. Priority areas shall be identified within the SOPs 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. The Permittee shall ensure and document proper disposal methods of all waste and wastewater removed during cleaning and maintenance of the storm water conveyance system. These disposal methods apply to, but are not limited to, street sweeping and catch basin cleaning. The materials removed from the MS4 shall be dewatered in a contained area and discharged or disposed of in accordance to federal, state, and local laws. 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. The Permittee 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. The Permittee shall minimize discharges to waters of the State that are associated with snow disposal and melt.
- 4.2.6.5.6 Spill Prevention Plan. The Permittee shall develop a spill prevention plan in coordination with the local fire department.
- 4.2.6.6 Floor Drain Inventory. The Permittee shall maintain an inventory of all floor drains inside all Permittee-owned or operated buildings. The Permittee shall ensure that all floor drains discharge to appropriate locations. The inventory shall be updated as necessary to ensure accuracy.
- 4.2.6.6.1 The Permittee shall inventory Permittee-owned or operated facilities each year, as described in the approved floor drain inventory plan, and report with its Annual Report per Part 5.6 regarding the status of its floor drain inventory. The Permittee shall inventory all floor drains by 2031.
- 4.2.6.7 Outside Contracting. The Permittee is responsible for ensuring, through contractually-required documentation and/or periodic site visits, that contractors performing operations and maintenance activities for the Permittee are using appropriate storm water controls and following all of the Permittee's SOPs, storm water control measures, and good housekeeping practices.
- 4.2.6.8 Flood Management Controls Assessment Process. The Permittee shall develop and implement a process to assess the water quality impacts and the design of all new flood management structural controls that are associated with the Permittee or that discharge to the MS4. This process shall include consideration of controls that minimize the impacts to site water quality and hydrology while still meeting project objectives. The Permittee shall include a description of this process in the SWMP.
- 4.2.6.8.1 The Permittee shall assess existing flood management structural controls to determine whether changes or additions are necessary to improve water quality. A description of this process and determinations shall be included in the SWMP.
- 4.2.6.9 Retrofit Plan. The Permittee shall develop a plan to retrofit existing developed sites that the Permittee owns or operates that are adversely impacting water quality. The retrofit plan shall be developed to emphasize controls that infiltrate, have evapotranspiration, or harvest and use, storm

water.

The retrofit plan shall include a ranking of retrofit sites based on the following criteria: 1) proximity to a waterbody; 2) current assessment of the waterbody with the goal to improve impaired waterbodies and protect unimpaired waterbodies; 3) hydrologic condition of the receiving waterbody; 4) proximity to 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 and MS4 contractors that have job functions that are likely to impact storm water quality receive training as follows:

4.2.6.10.1 Frequency. The Permittee 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; 7) and 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. The Permittee 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 Industrial and High-Risk Runoff**

The Permittee shall continue to develop and implement an inspection and oversight program to monitor and control pollutants in storm water discharges to the MS4 from industrial facilities. The Permittee shall continue to develop and implement a public education and outreach program for "priority" commercial sites/sources. Phase I regulations specify that several key elements shall be included in Phase I storm water management programs including: 1) adequate legal authority to require compliance and inspect sites; 2) inspection of priority industrial facilities; 3) establishing control measure requirements for facilities that may pose a threat to water quality; and 4) enforcing stormwater requirements.

The following permit requirements apply:

- 4.3.1 The Permittee shall maintain an inventory of all industrial and “priority” commercial sites/sources within its jurisdiction, regardless of ownership, that could discharge pollutants in storm water to the MS4. At a minimum, the industrial inventory shall be updated annually, and the “priority” commercial shall be updated once per permit term. The inventories shall be made available for review by the Director upon request.
- 4.3.1.1 The inventory shall include the following minimum information for each industrial and commercial site/source: 1) name; 2) address; 3) physical location of storm drain receiving discharge (industrial only); 4) name of receiving water; 5) pollutants potentially generated by the site/source; 6) identification of whether the site/source is (a) tributary to an impaired water body segment, i.e., whether it is listed under Section 303(d) of the Clean Water Act, and (b) whether it generates pollutants for which the water body segment is impaired; and 7) a narrative description including the North American Industry Classification System codes or Standard Industrial Classification codes, whichever is more applicable. The codes should reflect the principal products or services provided by each facility.
- 4.3.1.2 At a minimum, the following **industrial sites/sources** shall be included in the inventory: 1) industrial facilities, as defined at 40 C.F.R. § 122.26(b)(14), including those subject to the Multi Sector General Permit (“MSGP”) or individual UPDES permit; 2) facilities subject to Title III of the Superfund Amendments and Reauthorization Act; and 3) hazardous waste treatment, disposal, storage and recovery facilities.
- 4.3.1.3 At a minimum, the following **commercial sites/sources** shall be considered for inclusion in the inventory: 1) automobile and other vehicle body repair or painting; 2) automobile (or other vehicle) parking lots and storage facilities; 3) automobile repair, maintenance, fueling, or cleaning; 4) building material retailers and storage; 5) cement mixing or cutting; 6) eating or drinking establishments (e.g., restaurants), including food markets; 7) equipment repair, maintenance, fueling, or cleaning; 8) golf courses, parks and other recreational areas/facilities; 9) landscaping; 10) masonry; 11) mobile automobile or other vehicle washing; 12) mobile carpet, drape or furniture cleaning; 13) nurseries and greenhouses; 14) painting and coating; 15) pest control services; 16) pool and fountain cleaning; 17) portable sanitary services; 18) power washing services; and 19) retail or wholesale fueling.
- 4.3.1.4 All other “priority” commercial or industrial sites/sources tributary to an impaired water body segment, where the site/source generates pollutants for which the water body segment is impaired.
- 4.3.1.5 All other industrial and “priority” commercial sites/sources that the Permittee determines may contribute a significant pollutant load to the MS4 including those that the Permittee may have a history of past water quality problems.
- 4.3.2 The Permittee shall require industrial facilities listed in the inventory included in Part 4.3.1.2 to select, install, implement, and maintain storm water control measures as necessary to minimize storm water pollution.
- 4.3.2.1 The Permittee shall notify industrial sites of any control measure requirements pertaining to their site and their responsibility to implement and comply with the requirements.

- 4.3.2.2 The Permittee shall require industrial facilities that discharge into impaired water bodies to implement additional controls, as necessary, to prevent the discharge of pollutants of concern.
- 4.3.2.3 The Permittee shall prioritize industrial sites/sources based on potential for water quality impact using criteria including but not limited to: 1) pollutant sources on site; 2) pollutants of concern; 3) proximity to a water body; and 4) history of non-compliance of the facility.
- 4.3.2.3.1 The Permittee shall describe the process for prioritizing facilities in the SWMP.
- 4.3.3 The Permittee shall conduct inspections of all industrial facilities identified in Part 4.3.1.2 at least once during this Permit term with the highest priority facilities receiving more frequent inspections. The Permittee shall describe the inspection schedule for industrial facilities in the SWMP.
- 4.3.3.1 For facilities with no exposure of industrial activities to storm water, no inspections are required. However, the Permittee shall continue to track these facilities for significant change in the exposure of their operations to storm water and verify every 5 years that the “no exposure” is still valid.
- 4.3.3.2 All industrial facility inspections shall, at a minimum: 1) evaluate the facility’s compliance with this Permit’s Part 4.3.3 requirement to select, design, install, and implement storm water control measures; 2) conduct a visual observation for evidence of unauthorized discharges, illicit connections, and potential discharge of pollutants to storm water; 3) verify whether the facility is required to be authorized under the UPDES MSGP for Storm Water Discharges Associated with Industrial Activities and whether the facility has in fact obtained such permit coverage; and 4) evaluate the facility’s compliance with any other relevant local storm water requirements.
- 4.3.3.3 At a minimum, the Permittee shall document the following for each inspection: 1) the inspection date and time; 2) the name(s) and signature(s) of the inspectors; 3) weather information and a description of any discharges occurring at the time of the inspection; 4) any previously unidentified discharges of pollutants from the site; 5) any control measures needing maintenance or repairs; 6) any failed control measures that need replacement; 7) any incidents of noncompliance observed; and 8) any additional control measures needed to comply with this Permit’s requirements.
- 4.3.3.4 The Permittee shall track inspection findings to ensure inspections are conducted at a frequency consistent with the prioritization process required in Part 4.3.3.3.
- 4.3.4 The Permittee shall ensure that all necessary follow up inspections and enforcement activities are conducted, as necessary, to require implementation and maintenance of all storm water control measures.
- 4.3.5 Training. The Permittee shall require that all staff and MS4 contractors whose primary job duties are implementing the industrial storm water program receive training as follows:
- 4.3.5.1 Frequency. The Permittee shall ensure that new hires and MS4 contractors are trained within 60 days of hire/contract date and annually thereafter, at a minimum.

- 4.3.5.2 **Topics.** The training shall, at a minimum, include topics relating to the Permittee's Industrial and High-Risk Runoff program including: 1) the requirements of this Permit in terms of storm water control measures; 2) the requirements of the MSGP; 3) the Permittee's site inspection and documentation protocols; and 4) enforcement procedures for facility inspections. Training shall focus on the topics most relevant to the employee's position to ensure protection of water quality.
- 4.3.5.3 **Records.** The Permittee 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.

#### **4.4 Sharing Responsibility**

- 4.4.1 The Permittee 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:
- 4.4.1.1 The other Person, in fact, implements the control measure;
- 4.4.1.2 The particular control measure, or component of that measure, is at least as stringent as the corresponding Permit requirement; and
- 4.4.1.3 The other Person agrees to implement the control measure through a written agreement. This obligation shall be maintained and fully described in the SWMP, and the agreement shall be included in Appendix II. If the other Person agrees to report on the minimum control measure, the Permittee shall supply the other Person with the reporting requirements contained in Part 5.6. If the other Person fails to implement the control measure, the Permittee remains responsible and liable for any discharges due to that failure to implement.
- 4.4.1.4 The Permittee shall conduct training of the responsible Person on the Permit requirements and applicable SOPs.

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

- 4.5.1 **Storm Water Management Program Review.** The Permittee shall conduct and document, at a minimum, an annual review of the SWMP in conjunction with preparation of its Annual Report required by Part 5.6.
- 4.5.2 **Storm Water Management Program Update.** The Permittee may revise the SWMP during the Permit term in accordance with the following procedures:
- 4.5.2.1 **Revisions Requiring Director Notification.** Revisions that add components, controls, requirements or BMPs to the SWMP may be made at any time upon written notification to the Director.
- 4.5.2.2 **Revisions Requiring Director Approval.** Revisions that reduce or replace any component, control, requirement or BMP in the SWMP is prohibited, unless 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.

- 4.5.2.2.1 The Permittee shall not implement any revision requiring Director approval until the Permittee has received approval, in writing, from the Director.
- 4.5.3 The Permittee shall make SWMP revision requests or notifications in writing and signed in accordance with Part 6.14.
- 4.5.4 Director Required SWMP Revisions. The Director may require revisions to the SWMP to:
  - 4.5.4.1 Address impacts on receiving water quality caused, or contributed to, by discharges from the Permittee;
  - 4.5.4.2 Include more stringent requirements necessary to comply with new Federal regulatory requirements; or
  - 4.5.4.3 Include such other conditions deemed necessary by the Director to comply with the goals and requirements of the CWA.

## 5.0 Narrative Standard, Monitoring, Recordkeeping and Reporting

### 5.1 Narrative Standard

It 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 General Monitoring and Sampling Requirements

5.2.1 Wet Weather Monitoring Plan. The Permittee shall implement a wet weather monitoring plan that is appended to this Permit in Appendix III. The wet weather monitoring plan may be modified provided the modification(s) meets the requirements of this section and Part 1.5.4. The wet weather monitoring plan shall include a narrative of the strategy and any necessary schedules required for storm event representative monitoring.

The Permittee shall meet the following objectives of the wet weather monitoring plan:

- 5.2.1.1 Assess storm water impacts to in-stream water quality, hydrology, geomorphology, habitat, and biology;
- 5.2.1.2 Provide data to estimate annual cumulative pollutant loadings from the MS4;
- 5.2.1.3 Estimate event mean concentrations and pollutants in discharges from major outfalls;
- 5.2.1.4 Identify and prioritize portions of the MS4 requiring additional controls, and;
- 5.2.1.5 Identify water quality improvements or degradation.
- 5.2.2 The Permittee shall monitor representative outfalls and/or in stream monitoring locations to characterize the quality of storm water discharges from the MS4:
  - 5.2.2.1 At a minimum, the Permittee shall conduct wet weather monitoring twice a year, once in spring and once in fall, subject to the occurrence of storm events meeting the conditions of Part 5.2.2.6.4. If the Permittee is unable to accomplish the required monitoring frequency, the Permittee shall submit detailed reasons and weather data showing why it was not possible to the Director with the submission of the annual report.
  - 5.2.2.2 The Permittee may modify the wet weather monitoring plan with written approval from the Director. All modifications to the wet weather monitoring plan shall be submitted to and approved by the Director prior to implementation.

5.2.2.3 At a minimum, the Permittee shall monitor and analyze each of the parameters as described below:

Number	Parameter	Sample Type
1	Biochemical Oxygen Demand (BOD <sub>5</sub> ) (mg/L)	Composite
2	Total Suspended Solids (TSS) (mg/L)	Grab, Composite
3	pH (S.U.)	Grab
4	Total Dissolved Solids (TDS) (mg/L)	Composite
5	Total Nitrogen (mg/L)	Composite
6	Dissolved Nitrogen (mg/L)	Composite
7	Total Kjeldahl Nitrogen (TKN) (mg/L)	Composite
8	Total Phosphorus (mg/L)	Composite
9	Dissolved Phosphorus (mg/L)	Composite
10	Total Cadmium (ug/L)	Composite
11	Total Copper (ug/L)	Composite
12	Total Lead (ug/L)	Composite
13	Total Zinc (ug/L)	Composite
14	Total Selenium (ug/L)	Composite
15	Total Mercury (ug/L)	Composite
16	Total Hardness (Calc.)	Composite
17	Oil and Grease (Visual Y/N) <sup>2</sup>	Grab
18	<i>E. coli</i> <sup>3</sup> (No./100 mL)	Grab, Composite
19	Cyanide (mg/L)	Grab
20	Volatile Organic Compounds <sup>4</sup>	Composite

5.2.2.4 The following table contains the Permittee's representative monitoring outfall descriptions:

Outfall	Location	Description
JOR 8.32	The outfall is located at 900 South and Rio Grande St.	The present drainage basin consists of 248 acres. The land use in the basin is a mixed use of commercial (42 percent), residential (23 percent) and open space (35 percent). The basin is typical of the I-15 freeway corridor. The basin contains a portion of Liberty Park. The site was selected upstream from the Jordan River to minimize the backwater effect of the Jordan River. The pipe is a 60-inch RCP with a slope of 0.17 percent. The 900 South outfall is one of the largest in the City.
MIL 2.6	McClelland (1040 East 2650 South) and Forest Dale Golf Course	This location is an outfall of a 6ft. by 4 ft. box culvert into a detention basin located in the Forest Dale Golf Course. The drainage basin above this point is low density residential typical of the east side of Salt Lake City. The drainage basin area is approximately 261 acres.

<sup>2</sup> Sample for Oil and Grease only when a sheen is observed or other reasons to suspect the presence of oil.

<sup>3</sup> If a sample cannot be analyzed because of holding time constraints, this shall be noted on the sampling summary sheet for that event.

<sup>4</sup> If the Permittee chooses to assist in determining pollution associated with oil, grease, or other visual contamination.

LED 1.87	5500 West at Lee Drain	<p>This monitoring site is located on the Lee Drain at 5500 West. Lee Drain is a major open channel drainage ditch that drains the area west of Redwood Road between 2100 South and California Avenue. The basin consists of 950 acres of land zoned light industrial. There are eight major storm drains discharging to the Lee Drain. The area has several industrial park developments that are highly developed as well as several areas that are just starting to develop.</p> <p>Lee Drain is typical of the drainage system that drains the west side of Salt Lake City. The area uses a series of open ditches that also function as linear detention basins. A Corps of Engineers HEC-2 model run of a typical storm event shows that the hydrograph for the storm requires over 24 hours to pass because of the detention. The detention is created by undersized culverts along the channel that backwater and force channel detention to occur. This channel detention also contributes to improving storm water quality by allowing settlement of suspended solids and from biological uptake.</p>
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5.2.2.5 Alternate representative outfalls may be substituted for just cause during the term of the Permit. Alternate wet weather monitoring locations may not be used until approved by the Director.

5.2.2.6 Sample Type, Collection, and Analysis.

5.2.2.6.1 Holding Ponds. For discharges from holding ponds or other impoundments with a retention period greater than 24 hours, (estimated by dividing the volume of the detention pond by the estimated volume of water discharged during the 24 hours prior to the time that the sample is collected), the Permittee may collect a minimum of one grab sample.

5.2.2.6.2 Grab Samples. The Permittee shall conduct grab samples as required by Part 5.2.2.3 during the first 30 minutes of the discharge. If the collection of a grab sample during the first thirty minutes is impracticable, a grab sample can be taken during the first hour of the discharge, and the Permittee shall submit with the monitoring report a description of why a grab sample during the first thirty minutes was impracticable.

5.2.2.6.3 Flow Weighted Composite Samples. The Permittee shall conduct flow weighted composite sample as required by Part 5.2.2.3 during the entire event or, at a minimum, the first three hours of discharge. Composite samples may be taken with a continuous sampler or as a combination of a minimum of three sample aliquots taken in each hour of discharge for the entire discharge or for the first three hours of the discharge, with each aliquot being separated by a minimum period of fifteen minutes.

5.2.2.6.4 Qualifying Storm Event. All samples shall be collected from the discharge resulting from a storm event that is greater than 0.1 inches of precipitation within a (3) three-hour period that occurs at least 72 hours from the previously measurable, greater than 0.1-inch rainfall, storm event.

- 5.2.2.6.5 Analysis and collection of samples shall be done in accordance with the methods specified at 40 C.F.R. Part 136. Where an approved 40 C.F.R. Part 136 method does not exist, any available method may be used.
- 5.2.2.7 Storm Event Data. Quantitative data shall be collected to estimate pollutant loadings and event mean concentrations for each parameter sampled. In addition to the parameters listed in Part 5.2.2.3, the Permittee shall maintain records of: 1) the date and duration, in hours, of the storm event(s) sampled; 2) rainfall measurements or estimates, in inches, of the storm event which generated the sampled runoff; 3) the duration between the storm event sampled and the end of the previous measurable, greater than 0.1 inch rainfall, storm event; and 4) an estimate of the total volume (in gallons) of the discharge sampled.
- 5.2.2.8 Sampling Waiver. When the Permittee is unable to collect samples due to adverse climatic conditions, the Permittee shall submit, in lieu of sampling data, a description of why samples could not be collected, including available documentation of climatic conditions causing the missed sampling. Adverse climatic conditions which may prohibit the collection of samples include weather conditions that create dangerous conditions for personnel, e.g. local flooding, high winds, hurricane, tornadoes, electrical storms, etc., or otherwise make the collection of a sample impracticable.
- 5.2.3 Dry Weather Screening: The Permittee shall continue its dry weather screening efforts to detect the presence of illicit connections and improper discharges to the MS4. All outfalls of the MS4 shall be screened at least once during the permit term and additional priority areas shall be screened according to the schedule set forth in Permit Part 4.2.3.3.1 and 4.2.3.3.3.
- 5.2.3.1 Screening methodology may be developed and/or modified based on experience gained during actual field screening activities and need not conform to the protocol at 40 C.F.R. § 122.26(d)(1)(iv)(D).

### **5.3 Analytical Monitoring**

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

- 5.3.1 To meet permit conditions of Part 5.2.
- 5.3.2 Water quality sampling may be conducted to identify pollutants of concern pursuant to Part 3.1.
- 5.3.3 The Permittee may be required to sample or test for characterizing illicit discharges pursuant to Parts 4.2.3.4.1 - 4.2.3.4.3.
- 5.3.4 The Permittee is required to comply with Parts 6.11 and 6.12 for any analytical monitoring conducted as part of the SWMP.

### **5.4 Non-Analytical Monitoring**

- 5.4.1 The Permittee is 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.

## 5.5 Record Keeping

- 5.5.1 The Permittee shall keep all documents required by this Permit current and up to date to ensure the purpose and objectives of the required documents are achieved.
- 5.5.2 The Permittee shall submit all revisions to supplementary documents to the Director in accordance with Parts 1.5.4, 4.5.2.2 and 6.14.
- 5.5.3 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 makes such a determination, the Permittee shall make modifications to the appended documents within a time frame specified by the Director.
- 5.5.4 The Permittee shall retain all required plans, records of all programs, records of all monitoring information, copies of all reports required by this Permit, and records of all other data required by, or used to demonstrate compliance, with this Permit, for at least five years from the date of the record. This period may be extended by the Director at any time.

## 5.6 Reporting

- 5.6.1 The Permittee shall submit an Annual Report to the Director by October 1 for the reporting period of July 1 to June 30 of each year, for the duration of the Permit.
- 5.6.2 The Permittee shall submit its Annual Report using the report form provided on the Division's website.
- 5.6.3 The Permittee shall sign and certify its Annual Report in accordance with Part 6.14.
- 5.6.4 The Permittee shall submit signed copies of its Annual Report to the Division's electronic document system at: <https://deq.utah.gov/water-quality/water-quality-electronic-submissions>
- 5.6.5 The Permittee shall submit a comprehensive wet weather monitoring report, including historical data, identified trends, and conclusions with its renewal application **180 days** prior to permit expiration, as required in Part 2.0.

## 5.7 Legal Authority

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

- 5.7.1 Control the contribution of pollutants to the MS4 by storm water discharges associated with construction activity, as defined at Utah Admin. Code R317-8-11(11.3)(6)(e), and the quality of storm water discharged from sites of construction activity.
- 5.7.2 Control the contribution of pollutants to the MS4 by storm water discharges associated with industrial activity, as defined at Utah Admin. Code R317-8-11(11.3)(6)(c), and the quality of storm water discharged from sites of industrial activity);

- 5.7.3 Effectively prohibit illicit and non-storm water discharges into the MS4 and implement appropriate enforcement procedures and actions;
- 5.7.4 Control the discharge of spills and the dumping or disposal of materials other than storm water into the MS4;
- 5.7.5 Control through interagency agreements among other MS4s the contribution of pollutants from one portion of the MS4 to another;
- 5.7.6 Require compliance with conditions in ordinances, permits, contract or orders; and
- 5.7.7 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**

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

### **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**

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

### **6.6 Proper Operation and Maintenance**

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

### **6.7 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**

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

## **6.10 Inspection and Entry**

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

- 6.10.1 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 The Permittee shall ensure all samples and measurements taken for the purpose of monitoring are representative of the monitored activity.
- 6.11.2 The Permittee shall retain records of all monitoring information including all calibration and maintenance records and all original strip chart recordings for continuous monitoring instrumentation, copies of the reports required by this Permit, and records of all data used to complete the application for this Permit, for a period of at least five years from the date of the sample, measurement, report or application. This period may be extended by the Director at any time.
- 6.11.3 The Permittee 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

The Permittee shall conduct monitoring according to test procedures approved under 40 C.F.R. § 136 and Utah Admin. Code R317-2-10. Monitoring results shall be reported in the Annual Report required by Part 5.6.

## 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 violation, or by imprisonment, or both.

## 6.14 Signatory Requirements

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

6.14.1 All Permit applications 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 applications required 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 application, record, report, plan or other document submitted or required to be maintained under this Permit, including monitoring reports or reports of compliance or noncompliance shall, upon conviction, be punished by a fine of not more than \$10,000 per violation, or by imprisonment, or both.

### **6.16 Planned Changes**

The Permittee shall give notice to the Director as soon as possible of any planned physical alterations or additions to the Permittee's MS4 jurisdiction 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**

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

### **6.18 Other Noncompliance**

The Permittee shall report all instances of noncompliance not reported under Part 6.20 in its Annual Report required under Part 5.6.

### **6.19 Other Information**

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

### **6.20 Twenty-four Hour Reporting**

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

## 6.21 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 Clause**

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

## 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; 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.

“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.

“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 applicable UPDES construction storm water general permit.

“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 surface waters that has been identified by the Division as failing to support one or more of it designated uses. The Director compiles a list of such waters, known as the 303(d) List, published biennially in the Integrated Report.

“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.”

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

“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 Salt Lake City 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 an 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.

“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.

“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 (“CESSWI”); Certified Inspector of Sediment and Erosion Control (“CISEC”); National Institute for Certification in Engineering Technologies, Erosion and Sediment Control, Level 3 (“NICET”); Certified Stormwater Inspector Construction (“CSI-Construction”); Qualified Compliance Inspector of Stormwater (“QCIS”); and EPA NPDES Construction General Permit Inspector Training.

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

“Redevelopment” 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 will be required to conduct inspections at the regular frequency).

“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 plan.

“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 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.

“The Permittee” means Salt Lake City.

“Total Maximum Daily Load” or “TMDL” refers to a study that: 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.

“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.