

**Mayor**  
Kenneth Romney

**City Engineer/  
Zoning  
Administrator**  
Ben White

**City Recorder**  
Cathy Brightwell

# **WEST BOUNTIFUL PLANNING COMMISSION**

550 North 800 West  
West Bountiful, Utah 84087

Phone (801) 292-4486  
FAX (801) 292-6355

**Chairman**  
Denis Hopkinson

**Commissioners**  
Laura Charchenko  
Mike Cottle  
Alan Malan  
Terry Turner  
Corey Sweat, Alt.

**THE WEST BOUNTIFUL PLANNING COMMISSION WILL HOLD ITS  
REGULARLY SCHEDULED MEETING AT 7:30 PM ON TUESDAY,  
JULY 12, 2016 AT THE CITY OFFICES AT 550 NORTH 800 WEST**

***AGENDA AS FOLLOWS:***

Welcome. Prayer/Thought by invitation

1. Accept Agenda.
2. Consider Conditional Use Application From Breanne Olsen for a Home Salon at 733 North 900 West.
3. Discuss Request for Annexation on 1450 West.
4. Discuss Draft Storm Water Requirements.
5. Staff Report
6. Consider Approval of June 14, 2016 Meeting Minutes.
7. Adjournment.

*Individuals needing special accommodations including auxiliary communicative aids and services during the meeting should notify Cathy Brightwell at 801-292-4486 twenty-four (24) hours before the meeting.*

*This notice has been sent to the Clipper Publishing Company, and was posted on the State Public Notice website and the City's website on **July 8, 2016.***



# MEMORANDUM

**TO:** Planning Commission

**DATE:** July 8, 2016

**FROM:** Cathy Brightwell

**RE:** Conditional Use Permit for Home Occupation – Bre’s Villa Salon

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Breann Olsen filed an application for a Conditional Use Permit on June 20, 2016 to open a hair salon as a home occupation business at her home at 733 N 900 West. She plans to schedule her appointments on Tuesdays and Wednesdays between 9 am and 7 pm, and has provided notice and obtained signatures from her neighbors.

Ms. Olsen is currently constructing the 12’ X 20’ salon in a corner of her garage, see attached site plan. It will include one shampoo wash sink, two light stations, and two exits – one into the garage and one into the back yard; bathroom facilities are in the house. There is adequate off street parking to accommodate her business and customers will enter through the garage

Staff has believes that Ms. Olsen’s application is similar to other previously authorized home salons and meets the requirements of Chapter 5.28.040 - Home Occupation Ordinance and Chapter 17.60 - Conditional Uses.

When considering this application, the following Affirmative Findings should be considered.

1. The proposed use is desirable to provide a service that will contribute to the general well-being of the neighborhood and community;
2. The proposed use will not be detrimental to the health, safety, or general welfare of persons residing in the vicinity, or injurious to property in the vicinity;
3. The proposed use shall not inordinately impact the utilities or streets in the area; and
4. The proposed use will comply with the regulations specified in the R-1-10 zoning ordinance.

Recommended Conditions:

1. Clients will park in the driveway or directly in front of the home.
2. No external signage will be allowed.
3. A person who is not a resident of the dwelling shall not be employed to work in the salon.
4. A copy of Ms. Olsen’s state cosmetology license will be provided to staff -- received.
5. Fire Marshall Inspection report to be provided to staff prior to issuing permit.



# CONDITIONAL USE PERMIT APPLICATION

**West Bountiful City**  
**PLANNING AND ZONING**  
550 N 800 W, West Bountiful, UT 84087  
Phone: (801) 292-4486 Fax: (801) 292-6355  
www.westbountiful.utah.gov

**PROPERTY ADDRESS:** 733 N. 900 W. West Bountiful, UT 84087

**PARCEL NUMBER:** \_\_\_\_\_ **ZONE:** \_\_\_\_\_ **DATE OF APPLICATION:** 6/20/16

**Name of Business:** Bre's Villa

**Applicant Name:** Breanne Olsen

**Applicant Address:** 733 N 900 W. West Bountiful, UT 84087

**Primary phone:** (801) 452-2978 **Fax Number:** \_\_\_\_\_

**E-mail address:** Brewarner@gmail.com

Describe in detail the conditional use for which this application is being submitted. Attach a site plan which clearly illustrates the proposal. A separate sheet with additional information may be submitted if necessary.

12x20 space used for hair salon, 1 shampoo  
wash sink installed, 2 light fixtures, 2 exits, one  
in front & back of space. Plenty of parking  
space in front of salon. Salon built south side of home.

The Applicant(s) hereby acknowledges that they have read and are familiar with the applicable requirements of Title 17.60 of the West Bountiful City Code, pertaining to the issuance of Conditional Use Permits. If the applicant is a corporation, partnership or other entity other than an individual, this application must be in the name of said entity, and the person signing on behalf of the Applicant hereby represents that they are duly authorized to execute this Application on behalf of said entity.

**Fee must accompany this application - \$20 for Residential Zone, \$50 for Business Zone**

*I hereby apply for a Conditional Use Permit from West Bountiful City in accordance with the provisions of Title 17, West Bountiful Municipal Code. I certify that the above information is true and correct to the best of my knowledge.*

**Date:** 6-20-2016

**Applicant Signature:** Breanne Olsen

**FOR OFFICIAL USE ONLY**

**Application Received Date:** 6/20/16

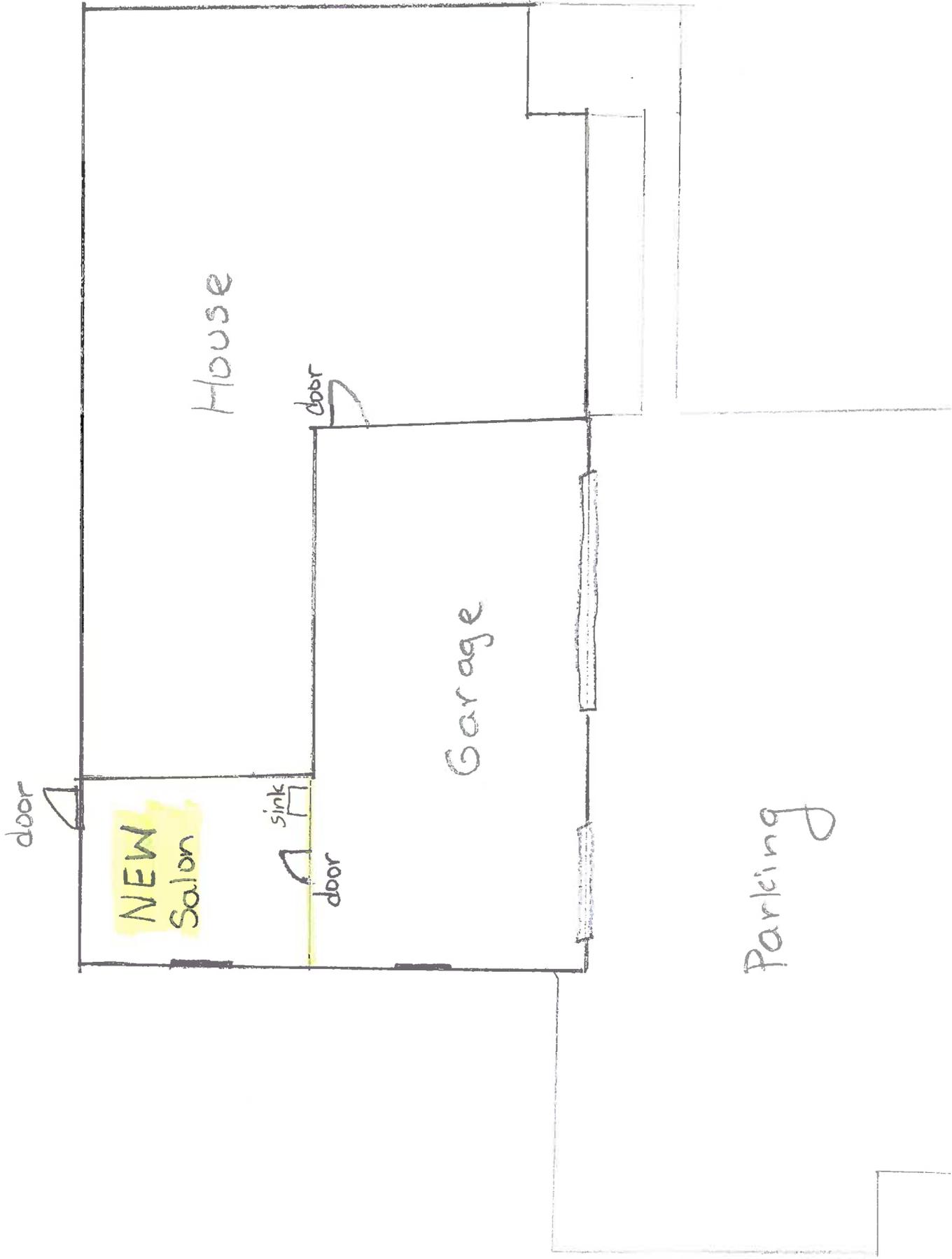
**Permit Number:** 16-006

**Application Fee Received Date:** 6/20/16

**Permit Approval Date:** \_\_\_\_\_

**Fee:**  \$20 Residential  \$50 Commercial

733 N 900 West





**POSSIBLE 1450 W ANNEXATION**

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

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

**General Permit for Discharges from Small Municipal Separate  
Storm Sewer Systems (MS4s)**

This Permit is issued in compliance with the provisions of the Utah Water Quality Act, Title 19, Chapter 5, Utah Code Annotated 2004, as amended (the "Act") and the Federal Water Pollution Control Act (33 U.S.C. §§ 1251 et. seq., as amended to date), and the rules and Regulations made pursuant to those statutes.

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

This authorization is subject to the authority of the Utah Water Quality Board or the *Division* of the Utah Water Quality Board to reopen this Permit (see Part 6.22 of Permit), or to require a discharger to obtain an individual Permit (see Part 6.15 of this Permit). The issuance of a discharge Permit authorization under this General Permit does not relieve Permittees of other duties and responsibilities under the Act or rules made under that Act. Significant terms used in this Permit are defined in Part 7.0 of this Permit.

This Permit shall become effective on March 1, 2016.

This Permit and the authorization to discharge shall expire at midnight, February 28, 2021, except as described in Part 6.3 of this Permit.

Signed this 26 day of February 2016.

  
Walter L. Baker, P.E.  
Director

**UPDES GENERAL PERMIT FOR DISCHARGES FROM  
SMALL MUNICIPAL SEPARATE STORM SEWER SYSTEMS (MS4s)**

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## 1.0 Coverage Under this Permit

### 1.1. Authority to Discharge

This General Permit authorizes the discharge, to Waters of the State of Utah, of storm water from a Small MS4 as that term is defined in R317-8-1.6(14) and Part 7.39. of this Permit. This authorization is subject to all of the terms and conditions of this Permit. This General Permit does not authorize discharges prohibited under Part 1.4. of this Permit.

### 1.2. Permit Area and Eligibility

1.2.1. This Permit covers all areas of the State of Utah except Indian Country (see Part 7.22. of this Permit for a definition of “Indian Country”).

1.2.1.1. No operator of a Small MS4 described in 40 CFR 122.32 may discharge from that system without authorization from the *Division*. (See Utah Administrative Code Section R317-8-3.9(1)(h)(1)(a), which sets forth the Permitting requirement, and R317-8-1.10(13), which incorporates 40 CFR 122.32 by reference.) Authorization to discharge under the terms and conditions of this Permit is granted if:

1.2.1.1.1 It applies to an operator of a Small MS4 within the State of Utah but not within Indian Country;

1.2.1.1.2 The operator is not a “large” or “medium” MS4 as defined in 40 CFR 122.26(b)(4) or (7);

1.2.1.1.3 The operator submits a Notice of Intent (NOI) in accordance with Part 2.0 of this Permit;

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

1.2.1.1.5 The operator is ordered by the *Division* to obtain coverage under this Permit, as provided in the UPDES rules, R317-8.

1.2.2. The following are types of authorized discharges:

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

1.2.2.2. *Non-storm water discharges.* The following non-storm water discharges do not need to be addressed unless the Permittee or the *Division* 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:

- Water line flushing
- Landscape irrigation
- Diverted stream flows

- Rising ground waters
- Uncontaminated ground water infiltration
- Uncontaminated pumped ground water
- Discharges from potable water sources
- Foundation drains
- Air conditioning condensate
- Irrigation water
- Springs
- Water from crawl space pumps
- Footing drains
- Lawn watering runoff
- Individual residential car washing
- Flows from riparian habitats and wetlands
- Dechlorinated swimming pool discharges
- Residual street wash water
- Dechlorinated water reservoir discharges
- Discharges or flows from emergency firefighting activity

### 1.3. **Local Agency Authority**

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

### 1.4. **Limitations on Coverage**

This Permit does not authorize:

- 1.4.1. Discharges that are mixed with sources of non-storm water unless such non-storm water discharges are in compliance with a separate UPDES Permit or are determined not to be a substantial contributor of pollutants to Waters of the State.
- 1.4.2. Storm water discharges associated with industrial activity as defined in *Utah Administrative Code (UAC) R317-8-3.9(6)(c)*.
- 1.4.3. Storm water discharges associated with construction activity as defined in *UAC R317-8-3.9(6)(d)(10)* and *R317-8-3.9(6)(d)(11)*.
- 1.4.4. Storm water discharges currently covered under another Permit.
- 1.4.5. Discharges that would cause or contribute to in-stream exceedances of water quality standards as contained in *UAC R317-2*.
- 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 EPA unless the discharge is consistent with the TMDL. This consistency determination applies at the time a Notice of Intent is submitted. If conditions change after coverage is issued, the coverage may

remain active provided the conditions and requirements of Part 3.1. of this Permit are complied with.

## **2.0 Notice of Intent and Storm Water Management Program Requirements**

**2.1.** The requirements of this Part apply only to Permittees **not** covered under the previous General Permit for Storm Water Discharges from Small Municipal Separate Storm Sewer Systems, i.e. **New Applicants**. Permittees that were covered under the previous MS4 General Permit and have submitted a notice of intent (NOI) at least **180 days** prior to the expiration date of the previous Permit, are covered by this Permit and instead must follow the requirements of Part 2.3.

2.1.2. New applicants must meet the following application requirements. The Notice of Intent (NOI) must include submittal of the Storm Water Management Program (SWMP) document. Detailed information on SWMP requirements can be found in Part 4.0 of this Permit.

2.1.3. Within **180 days** of notification from the *Division*, the operator of the MS4 shall submit a NOI form as provided by the Division at <http://www.deq.utah.gov/Permits/water/updes/stormwatermun.htm>. (The *Division* retains the right to grant permission for a later submission date upon good cause shown). One original completed NOI shall be submitted, by mail or hand delivery to:

Attention: UPDES IES  
Department of Environmental Quality  
Division of Water Quality  
195 North 1950 West  
PO Box 144870  
Salt Lake City, UT 84114-4870

2.1.4. Late submittal of an NOI is prohibited (unless permission has been granted by the *Division*). If a late NOI is submitted, authorization is only for discharges that occur after Permit coverage is granted. The *Division* reserves the right to take appropriate enforcement actions for any unpermitted discharges.

2.1.5. Where application is made by a new applicant that has assumed operational control of an MS4 for which coverage under this Permit was previously held by a separate entity, the Division may determine that the new applicant shall comply with the Permit requirements in this Permit, as directed for Renewal Permittees. Notification shall be made by the *Division* of this requirement in writing to the New Applicant prior to issuance of Permit coverage

2.1.6. Implementation of the Permittee's SWMP must include the six minimum control areas, including Measurable Goals, described in Part 4.2. Measurable Goals for each of the program areas must include, as appropriate, the year by which the Permittee will undertake required actions, including interim milestones and the frequency of the action if applicable.

- 2.1.7. Implementation of the Permittee's SWMP as described in the Permittee's application is required to begin within **30 days** after the completed application is submitted. The Permittee must fully develop and implement the SWMP as discussed in Part 4.0 of the Permit by the end of the Permit term unless a more restrictive timeframe is indicated.
- 2.1.8. If an Operator is designated by the Division as requiring Permit coverage later than one year after the effective date of this General Permit, the Division may approve alternative deadlines that would allow the Permittee to have its program areas implemented.

## **2.2. Contents of the Notice of Intent**

The Notice of Intent requires, at a minimum, the following information:

- 2.2.1. 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;
- 2.2.2. Name(s)/ identification of Waters of the State as defined by UAC R317-1-1.32 that receive discharges from the Permittee's MS4;
- 2.2.3. Name of the person responsible for overseeing implementation and coordination of the SWMP;
- 2.2.4. Summary description of the overall water quality concerns, priorities, and measurable goals specific to the Permittee that were considered in the development of the SWMP;
- 2.2.5. The SWMP document shall consist of, at a minimum, a description of the program elements that will be implemented (or already exist) for each of the SWMP minimum control measures. The plan must be detailed enough for the Division to determine the Permittee's general strategy for complying with the required items in each of the six minimum control measures in the SWMP document (see Part 4.2 of this Permit);
- 2.2.6. Information on the chosen Best Management Practices (BMPs) and the measurable goals for each of the storm water minimum control measures in Part 4.2 of this Permit and, as appropriate, the timeframe by which the Permittee will achieve required actions, including interim milestones;
- 2.2.7. Permittees which are applying as Co-Permittees shall each submit an NOI and individual SWMP document which will clearly identify the areas of the MS4 for which each of the Co-Permittees are responsible. Permittees which are relying on another entity (ies) to satisfy one or more of their Permit obligations shall include with the NOI, a summary of the Permit obligations that will be carried out by the other entity (ies). During the term of the Permit, Permittees may terminate or amend shared responsibility arrangements by notifying the *Division*, provided this does not alter implementation deadlines.
- 2.2.8. Certification and signature requirements in accordance with Part 6.8.

**2.3. Storm Water Management Program Plan Description for Renewal Permittees**

- 2.3.1. The requirements of this part apply only to **Renewal Permittees** that were previously covered under the last MS4 General Permit. New applicants are not required to meet the requirements of this Part and instead must follow the requirements of Part 2.0.
- 2.3.2. Renewal Permittees must submit a **revised SWMP document** to the Division within **120 days** of the effective date of this Permit, which includes at a minimum, the following information:
  - 2.3.2.1. Permit number;
  - 2.3.2.2. MS4 location description and map;
  - 2.3.2.3. Information regarding the overall water quality concerns, priorities, measurable goals, and interim milestones specific to the Permittee that were considered in the development and/or revisions to the SWMP document;
  - 2.3.2.4. A description of the program elements that will be implemented (or are already being implemented) in each of the six minimum control measures (see Part 4.0);
  - 2.3.2.5. A description of any modifications to ordinances or long-term/ongoing processes implemented in accordance with the previous MS4 General Permit for each of the six minimum control measures;
  - 2.3.2.6. A description of how the Permittee intends to meet the requirements of the Permit as described in Part 4.0 by either referencing existing program areas that already meet the Permit 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.
  - 2.3.2.7. Indicate the joint submittal (s) of Co-Permittees (if applicable) and the associated responsibility (ies) in meeting requirements of the SWMP.
  - 2.3.2.8. Certification and signature requirements in accordance with Part 6.8.
  - 2.3.2.9. The revised SWMP document must contain specific details for complying with the required items in each of the six minimum control measures contained within the SWMP document (See Part 4.2.).

### **3.0 Special Conditions**

#### **3.1. Discharges to Water Quality Impaired Waters**

- 3.1.1. Applicability: Permittees must:
- 3.1.1.1. Determine whether storm water discharge from any part of the MS4 contributes to a 303(d) listed (i.e., impaired) waterbody. A 303(d) list of impaired waterbodies is available at: <http://www.deq.utah.gov/ProgramsServices/programs/water/wqmanagement/assessment/PreviousIR.htm>. Water quality impaired waters means any segment of surface waters that has been identified by the Division as failing to support classified uses. If the Permittee has discharges meeting these criteria, the Permittee must comply with Part 3.1.2. below and if no such discharges exist, the remainder of this Part 3.1 does not apply.
- 3.1.1.2. If the Permittee has “303(d)” discharges described above, the Permittee must also determine whether a Total Maximum Daily Load (TMDL) has been developed by the Division and approved by EPA for the listed waterbody. If there is an approved TMDL, the Permittee must comply with all requirements associated with the TMDL as well as the requirements of Part 3.1.2. below and if no TMDL has been approved, the Permittee must comply with Part 3.1.2. below and any TMDL requirements once it has been approved.
- 3.1.2. Water Quality Controls for Discharges to Impaired Waterbodies. If the Permittee discharges to an impaired waterbody, the Permittee must include in its SWMP document a description of how the Permittee will control the discharge of the pollutants of concern. This description must identify the measures and BMPs that will collectively control the discharge of the pollutants of concern. The measures should be presented in the order of priority with respect to controlling the pollutants of concern.
- 3.1.3. Where a discharge is already authorized under this Permit and is later determined to cause or have the reasonable potential to cause or contribute to the violation of an applicable water quality standard, the Division will notify the Permittee of such violation(s). The Permittee must take all necessary actions to ensure future discharges do not cause or contribute to the violation of a water quality standard and document these actions as required by the Division. If violations remain or re-occur, coverage under this Permit may be terminated by the Division and an alternative General Permit or individual Permit may be issued. Compliance with this requirement does not preclude any enforcement activity as provided by the Utah Water Quality Act for the underlying violation.

### **3.2. Nitrogen and Phosphorus Reduction**

- 3.2.1. As part of the Permittee's Storm Water Management Program (SWMP), all Permittees must specifically address the reduction of water quality impacts associated with nitrogen and phosphorus in discharges from the MS4.
  - 3.2.1.1. The Permittee can meet the requirements of this section through contribution to a collaborative program (e.g., storm water coalitions) to evaluate, identify, target, and provide outreach that addresses sources State-wide or within a specific region or watershed.
  - 3.2.1.2. The Permittee must determine and target sources (e.g., residential, industrial, agricultural, or commercial) that are contributing to, or have the potential to contribute, nitrogen and phosphorus to the waters receiving the discharge authorized under this Permit.
  - 3.2.1.3. The Permittee must prioritize which targeted sources are likely to obtain a reduction in nitrogen and phosphorus discharges through education. The Permittee must distribute educational materials or equivalent outreach to the prioritized targeted sources. Educational materials or equivalent outreach must 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 Permit Part 4.2.1.

### **3.3. Co-Permittees**

- 3.3.1. Two or more operators of interrelated or neighboring Small MS4s may apply as Co-Permittees.
- 3.3.2. In order to be Permitted as Co-Permittees, the MS4(s) must each submit an NOI complete with BMP measurable goals and implementation milestones. Each description of the MS4(s) Storm Water Management Program Plan(s) must clearly describe which Permittees are responsible for implementing each of the control measures.
- 3.3.3. Each Co-Permittee is individually liable for:
  - 3.3.3.1. Permit compliance for discharges from portions of the MS4 where it is the operator and for areas within its legal jurisdiction;
  - 3.3.3.2. Ensuring that the six minimum control measures described in Part 4.2 are implemented for portions of the MS4 where it is the operator and in areas within its legal jurisdiction; and
  - 3.3.3.3. If any Permit conditions are established for specific portions of the MS4, Co-Permittees need only comply with the Permit conditions relating to those portions of the MS4 for which they are the operator.

- 3.3.4. Each Co-Permittee is jointly liable for compliance with annual reporting requirements listed in Part 5.5, except that a Co-Permittee is individually liable for any parts of the annual report that relate exclusively to portions of the MS4 where it is the operator.
- 3.3.5. Specific Co-Permittees are jointly liable for Permit compliance on portions of the MS4 as follows:
  - 3.3.5.1. Where operational or storm water management program implementation authority over portions of the MS4 has been transferred from one Co-Permittee to another in accordance with legally binding interagency agreements, both the owner and the operator may be jointly liable for Permit compliance on those portions of the MS4; and;
  - 3.3.5.2. Where one or more Co-Permittees jointly own or operate a portion of the MS4, each owner/operator is jointly liable for compliance with Permit conditions on the shared portion of the MS4.

#### **4.0 Storm Water Management Program**

Permittees covered under the previous General Permit for Storm Water Discharges from Small Municipal Separate Storm Sewer Systems, i.e. **Renewal Permittees**, are expected to have fully implemented all of the following six minimum control measures as required in the previous Permit term. Permittees that were newly designated during the previous Permit term have 5 years from the date of their submitted NOI to develop, fully implement and enforce their Storm Water Management Program (SWMP). A Renewal Permittee must continue to implement its SWMP designed to reduce the discharge of pollutants from the MS4 as described in the application and submittals provided in accordance with the previous MS4 General Permit, while updating its SWMP document pursuant to this Permit. This Permit does not extend the compliance deadlines set forth in the previous MS4 General Permit unless specifically noted. All requirements contained in this renewal Permit are effective immediately unless an alternative timeframe is indicated.

#### **4.1. Requirements**

- 4.1.1. All Permittees must 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 *Utah Water Quality Act*. The SWMP must include the six minimum control measures described in Part 4.2 of this Permit.
  - 4.1.1.1. The SWMP shall be developed and implemented in accordance with the schedules contained in Part 4.0. of this Permit.
- 4.1.2. Each Permittee shall have an ongoing documentation process for gathering, maintaining, and using information to conduct planning, set priorities, track the development and implementation of the SWMP, evaluate Permit compliance/non-compliance, and evaluate the effectiveness of the SWMP implementation.
  - 4.1.2.1. Each 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 Division upon request and used by the Division to determine compliance with this Permit.
  - 4.1.2.2. Each Permittee must secure the resources necessary to meet all requirements of this permit. Each Permittee must 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. Each permittee must submit a summary of its fiscal analysis with each annual report.
- 4.1.3. The SWMP document shall include BMPs that the Permittee or another entity will implement for each of the storm water minimum control measures.
  - 4.1.3.1. The measurable goals for each of the BMPs shall include, as appropriate, the months and years in which the Permittee will undertake required actions, including interim milestones and the frequency of the actions.

- 4.1.3.2. The SWMP document shall indicate the person or persons responsible for implementing or coordinating the BMPs contained within the SWMP document.
- 4.1.3.3. The revised SWMP document shall clearly identify the roles and responsibilities of all offices, departments, divisions, or sub-sections and if necessary other responsible entities and it shall include any necessary agreements, contracts, or memorandum of understanding (MOUs) between said entities that affect the implementation and operation of the SWMP. Necessary agreements, contracts, and MOUs shall deal with coordination or clarification of the responsibilities associated with the detection and elimination of improper connections or illicit discharges to the MS4, BMP coordination or other coordinated programs or sensitive issues of unclear or overlapping responsibility. Such agreements, contracts, and MOUs shall be retained by the Permittee as required by the SWMP document.

#### 4.2. Minimum Control Measures

The six minimum control measures that must be included in the storm water management program are:

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

The Permittee must implement a public education and outreach program to promote behavior change by the public to reduce water quality impacts associated with pollutants in storm water runoff and illicit discharges. Outreach and educational efforts shall include a multimedia approach and shall be targeted and presented to specific audiences for increased effectiveness. The educational program must include documented education and outreach efforts for the following four audiences: (1) residents, (2) institutions, industrial and commercial facilities, (3) developers and contractors (construction), and (4) MS4-owned or operated facilities. The minimum performance measures which should be based on the land uses and target audiences found within the community include:

- 4.2.1.1. Target specific pollutants and pollutant sources determined by the Permittee to be impacting, or have the potential to impact, the beneficial uses of receiving water. This includes providing information which describe the potential impacts from storm water discharges; methods for avoiding, minimizing, reducing and /or eliminating the adverse impacts of storm water discharges; and 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. Provide and document information given to the general public of the Permittee's prohibitions against and the water quality impacts associated with illicit discharges and improper disposal of waste. The Permittee must at a minimum consider the following topics. These topics are not inclusive and the Permittee must focus on those topics most relevant to the community: maintenance of septic systems; effects of outdoor activities such as lawn care (use of pesticides, herbicides, and fertilizers); benefits of on-site infiltration of storm water; effects of automotive work and car washing on water quality; proper disposal of swimming pool water; and proper management of pet waste.
- 4.2.1.3. Provide and document information given to institutions, industrial, and commercial facilities on an annual basis of the Permittee's prohibition against and the water quality impacts associated with illicit discharges and improper disposal of waste. The Permittee must at a minimum consider the following topics. These topics are not inclusive and the Permittee must focus on those topics most relevant to the community: proper lawn maintenance (use of pesticides, herbicides and fertilizer); benefits of appropriate on-site infiltration of storm water; building and equipment maintenance (proper management of waste water); use of salt or other deicing materials (cover/prevent runoff to storm system and contamination to ground water); proper storage of materials (emphasize pollution prevention); proper management of waste materials and dumpsters (cover and pollution prevention); and proper management of parking lot surfaces (sweeping). This education can also be a part of the Illicit Discharge Detection and Elimination measure detailed in Part 4.2.3.

- 4.2.1.4. Provide and document information given to engineers, construction contractors, developers, development review staff, and land use planners concerning the development of storm water pollution prevention plans (SWPPPs) and BMPs for reducing adverse impacts from storm water runoff from development sites. This education can also be a part of the Construction Site Storm Water Runoff minimum control measure detailed in Part 4.2.4.
- 4.2.1.5. Provide and document information and training given to employees of Permittee-owned or operated facilities concerning the Permittee's prohibition against and the water quality impacts associated with illicit discharges and improper disposal of waste. The Permittee must at a minimum consider the following topics: equipment inspection to ensure timely maintenance; proper storage of industrial materials (emphasize pollution prevention); proper management and disposal of wastes; proper management of dumpsters; minimization of use of salt and other de-icing materials (cover/prevent runoff to MS4 and ground water contamination); benefits of appropriate on-site infiltration (areas with low exposure to industrial materials such as roofs or employee parking); and proper maintenance of parking lot surfaces (sweeping).
- 4.2.1.6. Provide and document information and training given to MS4 engineers, development and plan review staff, land use planners, and other parties as applicable to learn about Low Impact Development (LID) practices, green infrastructure practices, and to communicate the specific requirements for post-construction control and the associated Best Management Practices (BMPs) chosen within the SWMP.
- 4.2.1.7. An effective program must show evidence of focused messages and audiences as well as demonstration that the defined goal of the program has been achieved. The Permittee must define the specific messages for each audience. The Permittee must identify methods that will be used to evaluate the effectiveness of the educational messages and the overall education program. Any methods used to evaluate the effectiveness of the program must be tied to the defined goals of the program and the overall objective of changes in behavior and knowledge.
- 4.2.1.8. The Permittee must include written documentation or rationale as to why particular BMPs were chosen for its public education and outreach program.

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

The Permittee must implement a program that complies with applicable State and Local public notice requirements. The SWMP shall include ongoing opportunities for public involvement and participation such as 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, which include but is not limited to, commercial and industrial businesses, trade associations, environmental groups, homeowners associations, and education organizations. The minimum performance measures are:

- 4.2.2.1. Permittees shall adopt a program or policy directive to create opportunities for the public to provide input during the decision making processes involving the development, implementation and update of the SWMP document including development and adoption of all required ordinances or regulatory mechanisms.
- 4.2.2.2. Renewal Permittees shall make the revised SWMP document available to the public for review and input within **120** days from the effective date of this Permit. New Applicants shall make the SWMP document available to the public for review and input within **180** days of receiving notification from the *Division* of the requirement for Permit coverage.
- 4.2.2.3. A current version of the SWMP document shall remain available for public review and input for the life of the Permit. If the Permittee maintains a website, the latest version of the SWMP document shall be posted on the website within **120 days** from the effective date of this Permit 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 life of the Permit.
- 4.2.2.4. The Permittee must at a minimum comply with State and Local public notice requirements when implementing a public involvement/participation program.

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

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

- 4.2.3.1. Maintain a current storm sewer system map of the MS4, showing the location of all municipal storm sewer outfalls with the names and location of all State waters that receive discharges from those outfalls, storm drain pipe and other storm water conveyance structures within the MS4.
- 4.2.3.2. Effectively prohibit, through ordinance or other regulatory mechanism, non-storm water discharges to the MS4, including spills, illicit connections, illegal dumping and

sanitary sewer overflows (“SSOs”) into the storm sewer system, require removal of such discharges consistent with Part 4.2.3.6. of this Permit, and implement appropriate enforcement procedures and actions. The Permittee must have a variety of enforcement options in order to apply escalating enforcement procedures as necessary for the severity of violation and/or the recalcitrance of the violator. Exceptions are discharges pursuant to a separate UPDES Permit (other than the UPDES Permit for discharges from the MS4) and non-storm water discharges listed in Part 1.2.2.2.

- 4.2.3.2.1 The IDDE program must have adequate legal authority to detect, investigate, eliminate and enforce against non-storm water discharges, including illegal dumping, into the MS4. Adequate legal authority consists of an effective ordinance, by-law, or other regulatory mechanism. The documented IDDE program that is included in the Permittee’s SWMP must include a reference or citation of the authority the Permittee will use to implement all aspects of the IDDE program.
- 4.2.3.3. Implement a written plan to detect and address non-storm water discharges to the MS4, including spills, illicit connections, sanitary sewer overflows and illegal dumping. The plan shall include:
- 4.2.3.3.1 Written systematic procedures for locating and listing the following priority areas likely to have illicit discharges (if applicable to the jurisdiction):
- Areas with older infrastructure that are more likely to have illicit connections;
  - Industrial, commercial, or mixed use areas;
  - Areas with a history of past illicit discharges;
  - Areas with a history of illegal dumping;
  - Areas with onsite sewage disposal systems;
  - Areas with older sewer lines or with a history of sewer overflows or cross-connections;
  - Areas upstream of sensitive waterbodies; and,
  - Other areas the Permittee determines to be likely to have illicit discharges.

The Permittee must 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 must be updated annually to reflect changing priorities.

- 4.2.3.3.2 Field inspections of areas which are considered a priority area as identified in Permit Part 4.2.3.3.1. Compliance with this provision shall be achieved by inspecting each priority area annually at a minimum. All field assessment activities shall utilize an inspection form to document findings.
- 4.2.3.3.3 Dry weather screening (See Definition 7.13) activities for the purpose of verifying outfall locations and detecting illicit discharges that discharge within the Permittee’s jurisdiction to a receiving water. All outfalls shall be inspected at least once during the 5-year Permit term. Dry weather screening activities shall utilize an inspection form to document findings.

- 4.2.3.3.4 If the Permittee discovers or suspects that a discharger may need a separate UPDES Permit (e.g., Industrial Storm Water Permit, Dewatering Permit), the Permittee shall notify the Division.
- 4.2.3.4. Implement standard operating procedures (SOPs) or similar type of documents for tracing the source of an illicit discharge; including visual inspections, and when necessary, opening manholes, using mobile cameras, using field tests of selected chemical parameters as indicators of discharge sources, collecting and analyzing water samples for the purpose of determining sanctions or penalties, and/or other detailed inspection procedures.
- 4.2.3.5. Implement standard operating procedures (SOPs) or similar type of documents for characterizing the nature of, and the potential public or environmental threat posed by, any illicit discharges found by or reported to the Permittee by the hotline or other telephone number described in 4.2.3.9. These procedures shall include detailed instructions for evaluating how the discharge shall be immediately contained and steps to be taken for containment of the discharge. Compliance with this provision will be achieved by initiating an investigation immediately upon being alerted of a potential illicit discharge.
- 4.2.3.5.1 When the source of a non-storm water discharge is identified and confirmed, the Permittee must record the following information in an inspection report: the date the Permittee became aware of the non-storm water discharge, the date the Permittee initiated an investigation of the discharge, the date the discharge was observed, the location of the discharge, a description of the discharge, the method of discovery, date of removal, repair, or enforcement action; 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 decision process for utilizing analytical monitoring must be fully documented in the inspection report.
- 4.2.3.6. Implement standard operating procedures (SOPs) or similar type of documents for ceasing the illicit discharge, including notification of appropriate authorities; notification of the property owner; technical assistance for removing the source of the discharge or otherwise eliminating the discharge; follow-up inspections; and escalating enforcement and legal actions if the discharge is not eliminated. Illicit discharges to the MS4 are prohibited and any such discharges violate this Permit and remain in violation until they are eliminated. Upon detection, the Permittee shall require immediate cessation of improper disposal practices upon confirmation of responsible parties in accordance with its enforceable legal authorities established pursuant to Part 4.2.3.2.1. of this Permit.
- 4.2.3.6.1 All IDDE investigations must be thoroughly documented and may be requested at any time by the *Division*. If a Permittee is unable to meet the minimum performance measures outlined in Parts 4.2.3.5. or 4.2.3.6., the Permittee must immediately submit to the *Division* written documentation or rationale describing the circumstances why compliance with the minimum performance measures was not possible. All IDDE documentation shall be retained by the Permittee as required by the SWMP document.

- 4.2.3.7. Permittees shall inform public employees, businesses, and the general public of hazards associated with illicit discharges and improper disposal of waste.
- 4.2.3.8. Permittees shall promote or provide services for the collection of household hazardous waste.
- 4.2.3.9. Permittees 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.
- 4.2.3.9.1 The Permittee must develop a written spill/dumping response procedure, and a flow chart for internal use, that shows the procedures for responding to public referrals of illicit discharges, the various responsible agencies and their contacts, and who would be involved in illicit discharge incidence response, even if it is a different entity other than the Permittee. The procedure and list must be incorporated as part of the IDDE program and incorporated into the Permittee's SWMP document. The list must be maintained and updated as changes occur.
- 4.2.3.10. Permittees shall implement procedures for program evaluation and assessment which includes maintaining a database for mapping, tracking of the number and type of spills or illicit discharges identified; and inspections conducted.
- 4.2.3.11. Permittees shall at a minimum, ensure that all staff, contracted staff, or other responsible entities receives annual training in the IDDE program including identification, investigation, termination, cleanup, and reporting of illicit discharges including spills, improper disposal, and illicit connections. All Permittees shall ensure that all new hires are trained immediately upon hire and annually thereafter, at a minimum. Follow-up training shall be provided as needed to address changes in procedures, methods or staffing. The Permittee shall provide training to all field staff that as part of their normal job responsibilities might come into contact with or otherwise observe an illicit discharge or illicit connection to the MS4. The Permittee shall also train office personnel who might receive initial reports of illicit discharges. Training shall include how to identify a spill, an improper disposal, or an illicit connection to the MS4 and proper procedures for reporting the illicit discharge. Training records must be kept and shall include dates, activities or course descriptions, and names and positions of staff in attendance. The Permittee shall include a summary of such training in the annual report.
- 4.2.3.12. The Division reserves the right to request documentation or further study of a particular non-storm water discharge of concern, to require a reasonable basis for allowing the non-storm water discharge and excluding the discharge from the Permittee's program, and to 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***

All Permittees shall revise as necessary, implement and enforce a program to reduce pollutants in any storm water runoff to the MS4 from construction sites with a land disturbance of greater than or equal to one acre, including projects less than one acre

that are part of a larger common plan of development or sale according to the minimum performance measures listed below. Public and private projects, including projects proposed by the Permittee's own departments and agencies, shall comply with these requirements. The minimum performance measures are:

- 4.2.4.1. Revise as necessary and enforce an ordinance or other regulatory mechanism that requires the use of erosion and sediment control practices at construction sites. The ordinance or other regulatory mechanism shall, at a minimum, be equivalent with the requirements set forth in the most current UPDES Storm Water General Permits for Construction activities which can be found at <http://www.deq.utah.gov/Permits/water/updes/stormwatercon.htm>. The ordinance or other regulatory mechanism shall include sanctions to ensure compliance. The ordinance or other regulatory mechanism shall apply, at a minimum, to construction projects disturbing greater than or equal to one acre and to construction projects of less than one acre that are part of a larger common plan of development or sale. Existing local requirements to apply storm water controls at sites less than 1 acre or not part of a Common Plan of Development may be retained.
  - 4.2.4.1.1 The ordinance or other regulatory mechanism shall, at a minimum, require construction operators to prepare a Storm Water Pollution Prevention Plan (SWPPP) and apply sediment and erosion control BMPs as necessary to protect water quality, reduce the discharge of pollutants, and control waste such as, but not limited to, discarded building materials, concrete truck washout, chemicals, litter and sanitary waste at the construction site that may cause adverse impacts to water quality. The SWPPP requirements must be, at a minimum, equivalent with the SWPPP requirement set forth in the most current UPDES Storm Water General Permits for Construction Activities, which can be found at: <http://www.deq.utah.gov/Permits/water/updes/stormwatercon.htm>.
  - 4.2.4.1.2 Permittees shall ensure construction operators obtain and maintain coverage under the current UPDES Storm Water General Permits for Construction Activities for the duration of the project. Coverage can be obtained by completing a NOI as well as renewed online at [https://secure.utah.gov/account/login.html?returnToUrl=https%3A//secure.utah.gov/stormwater/uii\\_authentication](https://secure.utah.gov/account/login.html?returnToUrl=https%3A//secure.utah.gov/stormwater/uii_authentication).
  - 4.2.4.1.3 The ordinance shall include a provision for access by qualified personnel to inspect construction storm water BMPs on private properties that discharge to the MS4.
- 4.2.4.2. Develop a written enforcement strategy and implement the enforcement provisions of the ordinance or other regulatory mechanism which shall include:
  - 4.2.4.2.1 Standard operating procedures (SOPs) or similar type of documents that include specific processes and sanctions to minimize the occurrence of, and obtain compliance from violators which shall include appropriate, escalating enforcement procedures and actions.
  - 4.2.4.2.2 Documentation and tracking of all enforcement actions.
  - 4.2.4.3. Develop and implement SOPs or similar type of documents for pre-construction Storm Water Pollution Prevention Plan (SWPPP) review and keep records for, at a

minimum, all construction sites that disturb greater than or equal to one acre, including projects less than one acre that are part of a larger common plan of development or sale, to ensure plans are complete and in compliance with State and Local regulations. Permittees shall keep records of these projects for five years or until construction is completed, whichever is longer. Prior to construction, the Permittee shall:

- 4.2.4.3.1 Conduct a pre-construction SWPPP review which includes a review of the site design, the planned operations at the construction site, planned BMPs during the construction phase, and the planned BMPs to be used to manage runoff created after development.
- 4.2.4.3.2 Incorporate into the SWPPP review procedures the consideration of potential water quality impacts and procedures for pre-construction review which shall include the use of a checklist.
- 4.2.4.3.3 Identify priority construction sites considering the following factors at a minimum:
  - Soil erosion potential;
  - Site slope;
  - Project size and type;
  - Sensitivity of receiving waterbodies;
  - Proximity to receiving waterbodies; and,
  - Non-storm water discharges and past record of non-compliance by the operators of the construction site.
- 4.2.4.4. All Permittees shall develop and implement SOPs or similar type of documents for construction site inspection and enforcement of construction storm water pollution control measures. The procedures must clearly define who is responsible for site inspections as well as who has authority to implement enforcement procedures. The Permittee must have the authority to the extent authorized by law to impose sanctions to ensure compliance with the local program. These procedures and regulatory authorities must be written and documented in the SWMP. The construction site storm water runoff control inspection program must provide:
  - 4.2.4.4.1 Inspections of all new construction sites with a land disturbance of greater than or equal to one acre, including projects less than one acre that are part of a larger common plan of development or sale at least monthly by qualified personnel using the Construction Storm Water Inspection Form (Checklist) found on the Division's website at <http://www.deq.utah.gov/Permits/water/updes/stormwatermun.htm>.
  - 4.2.4.4.2 The Permittee must inspect all phases of construction: prior to land disturbance, during active construction, and following active construction. The Permittee must document in its SWMP the procedure for being notified by construction operators/owners of their completion of active construction so that verification of final stabilization and removal of all temporary control measures may be conducted. This procedure must be provided to the construction operator/owner before active construction begins.
  - 4.2.4.4.3 Inspections by the MS4 of priority construction sites defined in Part 7.36. must be conducted at least biweekly (every two weeks) using the Construction Storm Water

Inspection Form (Checklist) found on the Division's website at <http://www.deq.utah.gov/Permits/water/updes/stormwatermun.htm>.

- 4.2.4.4.4 Based on site inspection findings, the permittee must take all necessary follow-up actions (i.e., reinspection, enforcement) to ensure compliance in accordance with the permittee's enforcement strategy. These follow-up and enforcement actions must be tracked and documented.
- 4.2.4.4.5 Permittees shall publicly provide and publicize a hotline or other local telephone number for public reporting of storm water related issues on construction sites, such as tracking onto streets. Records of violations, enforcement actions and corrective actions taken shall be tracked and documented.
- 4.2.4.5 The Permittee must ensure that all staff whose primary job duties are related to implementing the construction storm water program, including permitting, plan review, construction site inspections, and enforcement, are annually trained to conduct these activities. The training can be conducted by the MS4 or outside training can be attended. Such training must extend to third-party inspectors and plan reviewers as well. The Permittee shall ensure that all new hires are trained upon hire and before commencing storm water related duties and annually thereafter, at a minimum. Follow-up training shall be provided as needed to address changes in procedures, methods or staffing. The training records to be kept include dates, activities or course descriptions, and names and positions of staff in attendance.
- 4.2.4.6. All Permittees shall implement a procedure to maintain records of all projects disturbing greater than or equal to one acre, including projects less than one acre that are part of a larger common plan of development or sale. Permittees shall keep records which include but are not limited to, site plan reviews, SWPPPs, inspections and enforcement actions including verbal warnings, stop work orders, warning letters, notices of violation, and other enforcement records. Permittees 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)***

All Permittees shall revise as necessary, implement and enforce a program to address post-construction storm water runoff to the MS4 from new development and redevelopment construction sites disturbing greater than or equal to one acre, including projects less than one acre that are part of a larger common plan of development or sale, according to the minimum performance measures listed below. The objective of this control measure is for the hydrology associated with new development to mirror the pre-development hydrology of the previously undeveloped site or to improve the hydrology of a redeveloped site and reduce the discharge of storm water. The water quality considerations of this minimum control measure do not replace or substitute for water quantity or flood management requirements implemented on the local level for new developments. The water quality controls may be incorporated into the design of structures intended for flow control; or water quality control may be achieved with separate control measures. The program must apply to private and public development sites, including roads.

The minimum performance measures are:

- 4.2.5.1. Develop and adopt an ordinance or other regulatory mechanism that requires long-term post-construction storm water controls at new development and redevelopment sites. The ordinance or other regulatory mechanism shall apply, at a minimum, to new development and redevelopment sites that discharge to the MS4 and that disturb greater than or equal to one acre, including projects less than one acre that are part of a larger common plan of development or sale. Existing local requirements to apply storm water controls at smaller sites shall be retained. The ordinance or other regulatory mechanism shall require BMP selection, design, installation, operation and maintenance standards necessary to protect water quality and reduce the discharge of pollutants to the MS4.
- 4.2.5.2. Implement an enforcement strategy and implement the enforcement provisions of the ordinance or other regulatory mechanism. Procedures for enforcement of BMPs include:
  - 4.2.5.2.1 Procedures that include specific processes and sanctions to minimize the occurrence of, and obtain compliance from, chronic and recalcitrant violators which shall include appropriate, escalating enforcement procedures and actions.
  - 4.2.5.2.2 Documentation on how the requirements of the ordinance or other regulatory mechanism will protect water quality and reduce the discharge of pollutants to the MS4. Documentation shall include:
    - How long-term storm water BMPs were selected;
    - The pollutant removal expected from the selected BMPs; and
    - The technical basis which supports the performance claims for the selected BMPs.
  - 4.2.5.3. The Permittee's new development/redevelopment program must have requirements or standards to ensure that any storm water controls or management practices for new development and redevelopment will prevent or minimize impacts to water quality. BMPs must be selected that address pollutants known to be discharged or anticipated to be discharged from the site.
    - 4.2.5.3.1 The Permittee's new development/redevelopment program shall include non-structural BMPs such as requirements and standards to minimize development in areas susceptible to erosion and sediment loss; to minimize the disturbance of native soils and vegetation; to preserve areas in the municipality that provide important water quality benefits; to implement measures for flood control; and to protect the integrity of natural resources and sensitive areas.
    - 4.2.5.3.2 For new development or redevelopment projects that disturb greater than or equal to one acre, including projects less than one acre that are part of a larger common plan of development or sale, the program shall include a process which requires the evaluation of a Low Impact Development (LID) approach which encourages the implementation of BMPs that infiltrate, evapotranspire or harvest and use storm water from the site to protect water quality. Structural controls may include green infrastructure practices such as rainwater harvesting, rain gardens, permeable

pavement, and vegetated swales. If an LID approach cannot be utilized, the Permittee must document an explanation of the reasons preventing this approach and the rationale *for the chosen alternative controls* on a case by case basis for each project.

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

- 4.2.5.3.3 The Permittee must develop a plan to retrofit existing developed sites that are adversely impacting water quality. The retrofit plan must be developed to emphasize controls that infiltrate, evapotranspire or harvest and use storm water discharges. The plan must include a ranking of control measures to determine those best suited for retrofitting as well as those that could later be considered for retrofitting. The Permittee must include the following when developing the criteria for the retrofit plan:
- Proximity to waterbody
  - Status of waterbody to improve impaired waterbodies and protect unimpaired waterbodies
  - Hydrologic condition of the receiving waterbody
  - Proximity to sensitive ecosystem or protected area
  - Any upcoming sites that could be further enhanced by retrofitting storm water controls
- 4.2.5.3.4 Each Permittee shall develop and define specific hydrologic method or methods for calculating runoff volumes and flow rates to ensure consistent sizing of structural BMPs in their jurisdiction and to facilitate plan review. Within **180 days** from the effective date of this Permit, new development or redevelopment projects that disturb greater than or equal to one acre, including projects less than one acre that are part of a larger common plan of development or sale must manage rainfall on-site, and prevent the off-site discharge of the precipitation from all rainfall events less than or equal to the 90th percentile rainfall event. This objective must be accomplished by the use of practices that are designed, constructed, and maintained to infiltrate, evapotranspire and/or harvest and reuse rainwater. The 90th percentile rainfall event is the event whose precipitation total is greater than or equal to 90 percent of all storm events over a given period of record. If meeting this retention standard is technically infeasible, a rationale shall be provided on a case by case basis for the use of alternative design criteria. The project must document and quantify that infiltration, evapotranspiration and rainwater harvesting have been used to the maximum extent technically feasible and that full employment of these control are infeasible due to site constraints.
- 4.2.5.4. All Permittees shall adopt and implement procedures for site plan review which evaluate water quality impacts. The procedures shall apply through the life of the project from conceptual design to project closeout. Prior to construction, Permittees shall:

- 4.2.5.4.1 Review post-construction plans for, at a minimum, all new development and redevelopment sites that disturb greater than or equal to one acre, including projects less than one acre that are part of a larger common plan of development or sale, to ensure that the plans include long-term storm water management measures that meet the requirements of this minimum control measure.
- 4.2.5.4.2 Permittees shall provide developers and contractors with preferred design specifications to more effectively treat storm water for different development types such as industrial parks, commercial strip malls, retail gasoline outlets, restaurants, parking lots, automotive service facilities, street and road construction, and projects located in, adjacent to, or discharging to environmentally sensitive areas.
- 4.2.5.4.3 Permittees shall keep a representative copy of information that is provided to design professionals; and if information is distributed to a large number of design professionals at once, the dates of the mailings and lists of recipients.
- 4.2.5.5. All Permittees shall adopt and implement SOPs or similar type of documents for site inspection and enforcement of post-construction storm water control measures. These procedures must ensure adequate ongoing long-term operation and maintenance of approved storm water control measures.
- 4.2.5.5.1 The ordinance or other regulatory mechanism shall include provisions for post-construction access for Permittees to inspect storm water control measures on private properties that discharge to the MS4 to ensure that adequate maintenance is being performed. The ordinance or other regulatory mechanism may, in lieu of requiring that the Permittee's staff inspect and maintain storm water controls on private property, instead require private property owner/operators or qualified third parties to conduct maintenance and provide annual certification that adequate maintenance has been performed and the structural controls are operating as designed to protect water quality. In this case, the Permittee must require a maintenance agreement addressing maintenance requirements for any control measures installed on site. The agreement must allow the Permittee to conduct oversight inspections of the storm water control measures and also account for transfer of responsibility in leases and/or deeds. The agreement must also allow the Permittee to perform necessary maintenance or corrective actions neglected by the property owner/operator, and bill or recoup costs from the property owner/operator as needed.
- 4.2.5.5.2 Permanent structural BMPs shall be inspected at least once during installation by qualified personnel. Upon completion, the Permittee must verify that long-term BMPs were constructed as designed.
- 4.2.5.5.3 Inspections and any necessary maintenance must be conducted annually by either the Permittee or through a maintenance agreement, the property owner/operator. On sites where the property owner/operator is conducting maintenance, the Permittee shall inspect those storm water control measures at least once every five years, or more frequently as determined by the Permittee to verify and ensure that adequate maintenance is being performed. The Permittee must document its findings in an inspection report which includes the following:
- Inspection date;
  - Name and signature of inspector;

- Project location;
  - Current ownership information;
  - 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,
  - Specific maintenance issues or violations found that need to be corrected by the property owner or operator along with deadlines and reinspection dates.
- 4.2.5.6. Permittees shall ensure that all staff involved in post-construction storm water management, planning and review, and inspections and enforcement receive adequate training on an annual basis. Training shall be provided or made available for staff in the fundamentals of long-term storm water management through the use of structural and non-structural control methods. The training records to be kept include dates, activities or course descriptions, and names and positions of staff in attendance. The Permittee shall ensure that all new hires are trained upon hire and before commencing storm water related duties and annually thereafter, at a minimum. Follow-up training shall be provided as needed to address changes in procedures, methods or staffing.
- 4.2.5.7. The Permittee must maintain an inventory of all post-construction structural storm water control measures installed and implemented at new development and redeveloped sites that disturb greater than or equal to one acre, including projects less than one acre that are part of a larger common plan of development or sale. This inventory shall include both public and private sector sites located within the Permittee's service area.
- 4.2.5.7.1 Each entry to the inventory must include basic information on each project, such as project's name, owner's name and contact information, location, start/end date, etc. In addition, inventory entries must include the following for each project:
- Short description of each storm water control measure (type, number, design or performance specifications);
  - Short description of maintenance requirements (frequency of required maintenance and inspections); and
  - Inspection information (date, findings, follow up activities, prioritization of follow-up activities, compliance status).
- 4.2.5.7.2 Based on inspections conducted pursuant to Part 4.2.5.5., the Permittee must update the inventory as appropriate where changes occur in property ownership or the specific control measures implemented at the site.

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

All Permittees shall implement a program for Permittee-owned or operated facilities, operations and structural storm water controls that includes standard operating procedures (SOPs), pollution prevention BMPs, storm water pollution prevention plans or similar type 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. All components of the program shall be included in the SWMP document and must identify the department (and where appropriate, the specific staff) responsible for performing each activity described in this section. The Permittee must develop an inventory of all such Permittee-owned or operated facilities. The Permittee must review this inventory annually and update as necessary. The minimum performance measures are:

4.2.6.1. Permittees shall develop and keep current a written inventory of Permittee-owned or operated facilities and storm water controls that may include but is not limited to:

- Composting facilities
- Equipment storage and maintenance facilities
- Fuel farms
- Hazardous waste disposal facilities
- Hazardous waste handling and transfer facilities
- Incinerators
- Landfills
- Landscape maintenance on municipal property
- Materials storage yards
- Pesticide storage facilities
- Public buildings, including libraries, police stations, fire stations, municipal buildings, and similar Permittee-owned or operated buildings
- Public parking lots
- Public golf courses
- Public swimming pools
- Public works yards
- Recycling facilities
- Salt storage facilities
- Solid waste handling and transfer facilities
- Street repair and maintenance sites
- Vehicle storage and maintenance yards
- Permittee-owned and/or maintained structural storm water controls

4.2.6.2. All Permittees shall assess the written inventory of Permittee-owned or operated facilities, operations and storm water controls identified in Part 4.2.6.1. for their potential to discharge to storm water the following typical urban pollutants: sediment, nutrients, metals, hydrocarbons (e.g., benzene, toluene, ethylbenzene and xylene), pesticides, chlorides, and trash. Other pollutants may be associated with, but not generated directly from, the municipally-owned or operated facilities, such as bacteria, chlorine, organic matter, etc. Therefore, the Permittee must determine additional pollutants associated with its facilities that could be found in storm water

discharges. A description of the assessment process and findings must be included in the SWMP document.

- 4.2.6.3. Based on the assessment required in Part 4.2.6.2., the Permittee must identify as “high-priority” those facilities or operations that have a high potential to generate storm water pollutants. Among the factors that must be considered in giving a facility a high priority ranking is the amount of urban pollutants stored at the site, the identification of improperly stored materials, activities that must be performed outside (e.g., changing automotive fluids), proximity to waterbodies, poor housekeeping practices, and discharge of pollutant(s) of concern to impaired water(s).
- 4.2.6.4. Within **180 days** from the effective date of this Permit, the Permittee shall develop and implement a Storm Water Pollution Prevention Plan (SWPPP) or similar type document for each “high-priority” Permittee-owned or operated facility. The SWPPP shall identify potential sources of pollution that may reasonably be expected to affect the quality of storm water discharges associated with activity from the facility. The SWPPP shall describe and ensure the implementation of standard operating practices (SOPs) that are to be used to reduce the pollutants in storm water discharges associated with activity at the facility and to ensure compliance with the terms and conditions of this Permit. This document shall be tailored and retained at all “high priority” facility locations. The SWPPP shall include a site map showing the following information:
- Property boundaries;
  - Buildings and impervious surfaces;
  - Directions of storm water flow (use arrows);
  - Locations of structural control measures;
  - Location and name of the nearest defined drainage(s) which could receive runoff from the facility, whether it contains water or not;
  - Locations of all storm water conveyances including ditches, pipes, basins, inlets, and swales;
  - Locations where the following activities are exposed to storm water:
    - 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;
    - Materials storage or disposal areas;
  - Locations where significant spills or leaks have occurred;
  - Locations of all visual storm water monitoring points;
  - 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;

- Locations of all non-storm water discharges;
- Locations of sources of run-on to your site from adjacent property.

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

4.2.6.5.1 Weekly visual inspections: The Permittee must perform weekly visual inspections of “high priority” facilities in accordance with the developed SOPs to minimize the potential for pollutant discharge. The Permittee must look for evidence of spills and immediately clean them up to prevent contact with precipitation or runoff. The weekly inspections must be tracked in a log for every facility and records kept with the SWMP document. The inspection log should also include any identified deficiencies and the corrective actions taken to fix the deficiencies.

4.2.6.5.2 Quarterly comprehensive inspections: At least once per quarter, a comprehensive inspection of “high priority” facilities, including all storm water controls, must be performed, with specific attention paid to waste storage areas, dumpsters, vehicle and equipment maintenance/fueling areas, material handling areas, and similar pollutant-generating areas. The quarterly inspection results must be documented and records kept with the SWMP document. This inspection must be done in accordance with the developed SOPs. An inspection report must also include any identified deficiencies and the corrective actions taken to remedy the deficiencies.

4.2.6.5.3 Quarterly visual observation of storm water discharges: At least once per quarter, the Permittee must visually observe the quality of the storm water discharges from the “high priority” facilities (unless climate conditions preclude doing so, in which case the Permittee must attempt to evaluate the discharges four times during the wet season). Any observed problems (e.g., color, foam, sheen, turbidity) that can be associated with pollutant sources or controls must be remedied to prevent discharge to the storm drain system. Visual observations must be documented and records kept with the SWMP document. This inspection must be done in accordance with the developed SOPs. The inspection report must also include any identified deficiencies and the corrective actions taken to remedy the deficiencies.

4.2.6.6. SOPs shall be developed and implemented for the following types of facilities and/or activities listed below:

4.2.6.6.1 Buildings and facilities: SOPs shall address, but is not limited to: Permittee-owned or operated offices, police and fire stations, pools, parking garages, and other Permittee-owned or operated buildings or utilities. The SOPs must address the use, storage and disposal of chemicals and ensure through employee training, that those responsible for handling these products understand and implement the SOPs. All Permittee-owned or operated facilities must develop and ensure that spill prevention plans are in place, if applicable, and coordinate with the local fire department as necessary. The SOPs must address dumpsters and other waste management which includes, but is not limited to, cleaning, washing, painting and other maintenance activities. The Permittee must include a description of schedules and SOPs for sweeping parking lots and keeping the area surrounding the facilities clean to minimize runoff of pollutants. All Permittees must maintain an inventory of all floor drains inside all Permittee-owned or operated buildings. The inventory must be kept

current. The Permittee must ensure that all floor drains discharge to appropriate locations.

- 4.2.6.6.2 Material storage areas, heavy equipment storage areas and maintenance areas. Permittees shall develop and implement SOPs to protect water quality at each of these facilities owned or operated by the Permittee.
- 4.2.6.6.3 Parks and open space. SOPs shall address, but are not limited to: the proper application, storage, and disposal of fertilizer, pesticides, and herbicides including minimizing the use of these products and using only in accordance with manufacturer's instructions; sediment and erosion control; evaluation of lawn maintenance and landscaping activities to ensure practices are protective of water quality such as, proper disposal of lawn clippings and vegetation, and use of alternative landscaping materials such as drought tolerant plants. The SOPs must address the management of trash containers at parks and other open spaces which include scheduled cleanings and establishing a sufficient number of containers, and for placing signage in areas concerning the proper disposal of pet wastes. The SOPs must also address the proper cleaning of maintenance equipment, building exterior, trash containers and the disposal of the associated waste and wastewater. Permittees shall implement park and open space maintenance pollution prevention/good housekeeping practices at all park areas, and other open spaces owned or operated by the Permittee.
- 4.2.6.6.4 Vehicle and Equipment. SOPs shall address, but are not limited to: vehicle maintenance and repair activities that occur on Permittee-owned or operated vehicles. BMPs should include using drip pans and absorbents under or around leaky vehicles and equipment or storing indoors where feasible. Fueling areas for Permittee-owned or operated vehicles and equipment shall be evaluated. If possible, place fueling areas under cover in order to minimize exposure. The O & M program shall include SOPs to ensure that vehicle wash waters are not discharged to the MS4 or Waters of the State. This Permit strictly prohibits such discharges.
- 4.2.6.6.5 Roads, highways, and parking lots. SOPs shall address, but are not limited to: SOPs and schedule for sweeping streets and Permittee-owned or operated parking lots and any other BMPs designed to reduce road and parking lot debris and other pollutants from entering the MS4; road and parking lot maintenance, including pothole repair, pavement marking, sealing and repaving; cold weather operations, including plowing, sanding, and application of deicing compounds and maintenance of snow disposal areas; right-of-way maintenance, including mowing, herbicide and pesticide application; and municipally-sponsored events such as large outdoor festivals, parades or street fairs. The Permittee must ensure that areas used for snow disposal will not result in discharges to receiving waters.
- 4.2.6.6.6 Storm water collection and conveyance system. SOPs shall address, but are not limited to: SOPs and schedules for the regular inspection, cleaning, and repair of catch basins, storm water conveyance pipes, ditches and irrigation canals, culverts, structural storm water controls, and structural runoff treatment and/or flow control facilities. Permittees shall implement catch basin cleaning, storm water system maintenance, scheduled structural BMP inspections and maintenance, and pollution prevention/good housekeeping practices. Permittees shall prioritize storm sewer system maintenance, with the highest priority areas being maintained at the greatest

frequency. Priorities should be driven by water quality concerns, the condition of the receiving water, the amount and type of material that typically accumulates in an area, or other location-specific factors. All Permittee-owned or operated storm water structural BMPs including but not limited to, swales, retention/detention basins or other structures must be inspected annually to ensure that they are properly maintained to reduce the discharge of pollutants into receiving waters. Permittees shall ensure and document proper disposal methods of all waste and wastewater removed from the storm water conveyance system. These disposal methods apply to, but are not limited to, street sweeping and catch basin cleaning. Materials removed from the MS4 shall be dewatered in a contained, impervious area and discharged to the local sanitary sewer (with approval of local authorities) where feasible. The solid material shall be stored and disposed of properly to avoid discharge to Waters of the State during a storm event. Any other treatment and disposal measures shall be reviewed and approved by the Division. Some materials removed from storm drains and open channels may require special handling and disposal, and may not be authorized to be disposed of in a landfill.

- 4.2.6.6.7. Other facilities and operations Permittees shall identify any facilities and operations not listed above that would reasonably be expected to discharge contaminated runoff, and develop, implement, and document the appropriate BMPs and SWPPP to protect water quality from discharges from these sites.
- 4.2.6.7. If a Permittee contracts with a third-party to conduct municipal maintenance or allows private developments to conduct their own maintenance, the contractor shall be held to the same standards as the Permittee. This expectation must be defined in contracts between the Permittee and its contractors or the contractors of private developments. The Permittee shall be responsible for ensuring, through contractually-required documentation or periodic site visits that contractors are using appropriate storm water controls and following the standard operating procedures, storm water control measures, and good housekeeping practices of the Permittee.
- 4.2.6.8. The Permittee must develop and implement a process to assess the water quality impacts in the design of all new flood management structural controls that are associated with the Permittee or that discharge to the MS4. This process must include consideration of controls that can be used to minimize the impacts to site water quality and hydrology while still meeting project objectives. A description of this process must be included in the SWMP document
  - 4.2.6.8.1 Existing flood management structural controls must be assessed to determine whether changes or additions should be made to improve water quality. A description of this process and determinations should be included in the SWMP document.
- 4.2.6.9. Public construction projects shall comply with the requirements applied to private projects. All construction projects disturbing greater than or equal to one acre, including projects less than one acre that are part of a larger common plan of development or sale, owned or operated by the Permittee are required to be covered under the General UPDES Permits for Storm Water Discharges Associated with Construction Activities.
- 4.2.6.10. The Permittee shall ensure that all employees, contracted staff, and other responsible entities that have primary construction, operation, or maintenance job functions that

are likely to impact storm water quality receive annual training. The Permittee shall identify target individuals to participate in the training sessions and ensure that all such employees receive training upon being hired and annually thereafter, at a minimum. Training shall address the importance of protecting water quality, the requirements of this Permit, operation and maintenance requirements, inspection procedures, ways to perform their job activities to prevent or minimize impacts to water quality, SOPs and SWPPPs for the various Permittee-owned or operated facilities and procedures for reporting water quality concerns, including potential illicit discharges. Training records must be kept and shall include dates, activities or course descriptions, and names and positions of staff in attendance. Follow-up training shall be provided as needed to address changes in procedures, methods or staffing.

#### **4.3. Sharing Responsibility**

- 4.3.1. Implementation of one or more of the six minimum measures may be shared with another entity, or the entity may fully take over the measure. A Permittee may rely on another entity only if:
- 4.3.2. The other entity, in fact, implements the control measure;
- 4.3.3. The particular control measure, or component of that measure, is at least as stringent as the corresponding Permit requirement; and
- 4.3.4. The other entity agrees to implement the control measure through a written agreement. This obligation must be maintained as part of the description given in the Permittee's SWMP document. If the other entity agrees to report on the minimum control measure, the Permittee must supply the other entity with the reporting requirements contained in Part 5.5. of this Permit. If the other entity fails to implement the control measure, then the Permittee remains liable for any discharges due to that failure to implement.
- 4.3.5. The Permittee conducts training of the responsible entity on the Permit requirements and applicable standard operating procedures.

#### **4.4. Reviewing and Updating Storm Water Management Programs**

- 4.4.1. *Storm Water Management Program Review:* All Permittees must conduct, at a minimum, an annual review of the SWMP document in conjunction with preparation of the annual report required in Part 5.5.
- 4.4.2. *Storm Water Management Program Update:* A Permittee may change the SWMP document during the life of the Permit in accordance with the following procedures:
  - 4.4.2.1. Changes adding (but not subtracting or replacing) components, controls, or requirements to the SWMP document may be made at any time upon written notification to the Division.

- 4.4.2.2. Changes replacing an ineffective or unfeasible BMP specifically identified in the SWMP document with an alternate BMP may be adopted at any time, provided the analysis is clearly outlined and subsequently approved by the Division. An analysis shall include:
  - 4.4.2.2.1 An explanation of why the BMP is ineffective or infeasible,
  - 4.4.2.2.2 Expectations or report on the effectiveness of the replacement BMP, and
  - 4.4.2.2.3 An analysis of why the replacement BMP is expected to achieve the goals of the BMP to be replaced, or has achieved those goals.
- 4.4.3. Change requests or notifications must be made in writing and signed in accordance with Part 6.8.
- 4.4.4. Change requests or notifications will receive confirmation and approval or denial in writing from the Division.
- 4.4.5. Storm Water Management Program Updates required by the Division: The Division may require changes to the SWMP as needed to:
  - 4.4.5.1. Address impacts on receiving water quality caused, or contributed to, by discharges from the MS4;
  - 4.4.5.2. Include more stringent requirements necessary to comply with new Federal regulatory requirements; or
  - 4.4.5.3. Include such other conditions deemed necessary by the Division to comply with the goals and requirements of the Clean Water Act.

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

### 5.1. **Narrative Standard**

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

### 5.2. **Analytical Monitoring**

Permittees are not required to conduct analytical monitoring (see definition in Part 7.3) during the effective term of this Permit, with the following exceptions:

- 5.2.1. Water quality sampling may be required for compliance with TMDLs, pursuant to Part 3.1. of this Permit.
- 5.2.2. Sampling or testing may be required for characterizing illicit discharges pursuant to Parts 4.2.3.4., 4.2.3.5., and 4.2.3.5.1 of this Permit.
- 5.2.3. In the event that the MS4 elects to conduct analytical monitoring as part of its Storm Water Management Program, the Permittee is required to comply with Part 6.18. of this Permit.

### 5.3. **Non-analytical Monitoring**

- 5.3.1. Non-analytical monitoring (see definition in Part 7.32.) such as visual dry weather screening is required to comply with Part 4.2.3.3.2 of this Permit.

### 5.4. **Record keeping**

- 5.4.1. Permittees must keep all supplementary documents associated with this Permit (e.g., Storm Water Management Program (SWMP) document, SWMP Implementation Schedule) current and up to date to achieve the purpose and objectives of the required document.
- 5.4.2. All modifications to supplementary documents must be submitted to the *Division* in accordance with Parts 4.4 and 6.8.
- 5.4.3. The *Division* may at any time make a written determination that parts or all of the supplementary documents are not in compliance with this Permit, wherein the Permittee must make modifications to these parts within a time frame specified by the *Division*.
- 5.4.4. 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. This period may be explicitly modified by alternative provisions of this Permit or extended by request of the *Division* at any time.

- 5.4.5. The Permittee must make records, including the Notice of Intent (NOI) and the SWMP document, available to the public if requested.

**5.5. Reporting**

- 5.5.1. The Permittee must submit an annual report to the Division by October 1 for the reporting period of July 1 to June 30 of each year of the Permit term.
- 5.5.2. The report must be submitted using the report form provided on the *Division's* website at <http://www.deq.utah.gov/Permits/water/updes/stormwatermun.htm>.
- 5.5.3. The Permittee shall sign and certify the annual report in accordance with Part 6.8.
- 5.5.4. Signed copies of the Annual Report and all other reports required herein, shall be submitted to:

Department of Environmental Quality  
Division of Water Quality  
PO Box 144870  
195 North 1950 West  
Salt Lake City, UT 84114-4870

## **6.0 Standard Permit Conditions**

### **6.1. Duty to Comply**

The Permittee must comply with all conditions of this Permit. Any Permit noncompliance constitutes a violation of the Act and is grounds for enforcement action; for Permit termination, revocation and reissuance, or modification; or for denial of a Permit renewal application. The Permittee shall give advance notice to the Division of any planned changes in the Permitted facility or activity, which may result in noncompliance with Permit requirements.

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

The Act provides that any person who violates a Permit condition implementing provisions of the Act is subject to a civil penalty not to exceed \$10,000 per day of such violation. Any person who willfully or negligently violates Permit conditions or the Act is subject to a fine not exceeding \$25,000 per day of violation. Any person convicted under *UCA 19-5-115(2)* a second time shall be punished by a fine not exceeding \$50,000 per day.

### **6.3. Duty to Reapply**

If the Permittee wishes to continue an activity regulated by this Permit after the expiration date of this Permit, the Permittee shall apply for and obtain a new Permit. The application shall be submitted at least **180 days** before the expiration date of this Permit. Continuation of expiring Permits shall be governed by regulations promulgated at *UAC R317-8-5* and any subsequent amendments.

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

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

### **6.5. Duty to Mitigate**

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

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

The Permittee shall furnish to the Division, within a time specified by the Division, any information which the Division 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 Division, upon request, copies of records required to be kept by this Permit.

**6.7. Other Information**

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

**6.8. Signatory Requirements**

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

- 6.8.1. All Permit applications shall be signed by either a principal executive officer or ranking elected official.
- 6.8.2. All reports required by the Permit and other information requested by the Division shall be signed by a person described above or by a duly authorized representative of that person. A person is a duly authorized representative only if:
  - 6.8.2.1. The authorization is made in writing by a person described above and submitted to the Division, and,
  - 6.8.2.2. The authorization specifies either an individual or a position having responsibility for the overall operation of the regulated facility, such as the position of plant manager, superintendent, position of equivalent responsibility, or an individual or position having overall responsibility for environmental matters. A duly authorized representative may thus be either a named individual or any individual occupying a named position.
  - 6.8.2.3. Changes to authorization. If an authorization under *Part 6.8.2.* is no longer accurate because a different individual or position has responsibility for the overall operation of the facility, a new authorization satisfying the requirements of *Part 6.8.2.* must be submitted to the Division prior to or together with any reports, information, or applications to be signed by an authorized representative.
- 6.8.3. *Certification.* Any person signing documents under this Part shall make the following certification:

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

**6.9 Availability of Reports**

Except for data determined to be confidential under the Government Records Access and Management Act (*see* particularly Utah Code Ann. § 63-2-309) and Utah Code Ann. § 19-1-3-6, all reports prepared in accordance with the terms of this Permit shall be available for public inspection at the office of the Division. As required by the *Act*, Permit applications, Permits and effluent data shall not be considered confidential.

**6.10. Penalties for Falsification of Reports**

The *Act* provides that any person who knowingly makes any false statement, representation, or certification in any record or other document submitted or required to be maintained under this Permit, including monitoring reports or reports of compliance or noncompliance shall, upon conviction be punished by a fine of not more than \$10,000.00 per violation, or by imprisonment for not more than six months per violation, or by both. Utah Code Ann. § 19-5-115(4)

**6.11. Penalties for Tampering**

The *Act* provides that 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 for not more than six months per violation, or by both.

**6.12. Oil and Hazardous Substance Liability**

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

**6.13. Property Rights**

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

**6.14. Severability**

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

**6.15. Requiring a Different Permit**

The *Division* may require the Permittee authorized by this Permit to obtain an individual *UPDES* Permit. Any interested person may petition the *Division* to take action under this paragraph. The *Division* may require the Permittee authorized to discharge under this Permit to apply for an individual *UPDES* Permit only if the Permittee has been notified in writing that a Permit application is required. This notice shall include a brief statement of the reasons for this decision, an application form (as necessary), a statement setting a deadline for the Permittee to file the application, and a statement that on the effective date of the municipal *UPDES* Permit, coverage

under this Permit shall automatically terminate. Permit applications shall be submitted to the address of the *Division of Water Quality* shown in *Part 5.5* of this Permit. The *Division* may grant additional time to submit the application upon request of the applicant. If the municipality fails to submit in a timely manner a municipal *UPDES* Permit application as required by the *Division*, then the applicability of this Permit to the Permittee is automatically terminated at the end of the day specified for application submittal.

**6.16. State/Federal Laws**

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

**6.17. 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.

**6.18. Monitoring and Records**

- 6.18.1. Samples and measurements taken for the purpose of monitoring shall be representative of the monitored activity.
- 6.18.2. 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 request of the *Division* at any time.
- 6.18.3. Records of monitoring information shall include:
  - 6.18.3.1 The date, exact place, and time of sampling or measurements;
  - 6.18.3.2 The name(s) of the individual(s) who performed the sampling or measurements;
  - 6.18.3.3 The date(s) and time(s) analyses were performed;
  - 6.18.3.4 The name(s) of the individual(s) who performed the analyses;
  - 6.18.3.5 The analytical techniques or methods used; and
  - 6.18.3.6 The results of such analyses.

**6.19. Monitoring Procedures**

Monitoring must be conducted according to test procedures approved under *Utah Administrative Code ("UAC") R317-2-10*, unless other test procedures have been specified in this Permit.

**6.20. Inspection and Entry**

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

- 6.20.1. Enter upon the Permittee's premises where a regulated facility or activity is located or conducted or where records must be kept under the conditions of this Permit;
- 6.20.2. Have access to and copy at reasonable times, any records that must be kept under the conditions of this Permit; and
- 6.20.3. Inspect at reasonable times any facilities or equipment (including monitoring and control equipment).
- 6.20.4. 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.

**6.21. Permit Actions**

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

**6.22. Storm Water-Reopener Provision**

At any time during the duration (life) of this Permit, this Permit may be reopened and modified (following proper administrative procedures) as per *UAC R317.8*, 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-State".

## 7.0 **Definitions**

Definitions related to this Permit and small municipal separate storm sewers (MS4s).

- 7.1. “40 CFR” refers to Title 40 of the Code of Federal Regulations, which is the codification of the general and permanent rules published in the Federal Register by the executive departments and agencies of the Federal government.
- 7.2. "Act" means the *Utah Water Quality Act*.
- 7.3. “Analytical monitoring” refers to monitoring of waterbodies (streams, ponds, lakes, etc.) or of storm water, according to UAC R317-2-10 and 40 CFR 136 "Guidelines Establishing Test Procedures for the Analysis of Pollutants,” or to State or Federally established protocols for biomonitoring or stream bioassessments.
- 7.4. “Beneficial Uses” means uses of the Waters of the State, which include but are not limited to: domestic, agricultural, industrial, recreational, and other legitimate beneficial uses.
- 7.5. “Best Management Practices” (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.
- 7.6. “CWA” means *The Clean Water Act of 1987*, formerly referred to as the Federal Water Pollution Control Act.
- 7.7. "Co-Permittee" means any operator of a regulated Small MS4 that is applying jointly with another applicant for coverage under this Permit. A Co-Permittee owns or operates a regulated Small MS4 located within or adjacent to another regulated MS4. A Co-Permittee is only responsible for complying with the conditions of this Permit relating to discharges from the MS4 the Co-Permittee owns or operates. See also 40 CFR 122.26(b)(1).
- 7.8. “Control Measure” refers to any Best Management Practice or other method used to prevent or reduce the discharge of pollutants to Waters of the State.
- 7.9. “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.
- 7.10. “Director” means the director of the Utah Division of Water Quality, otherwise known as the *Division* of the Utah Water Quality Board.
- 7.11. “Division” means the Utah Division of Water Quality.
- 7.12. "Discharge" for the purpose of this Permit, unless indicated otherwise, refers to discharges from the Municipal Separate Storm Sewer System (MS4).

- 7.13.** "Dry weather screening" is monitoring done in the absence of storm events to discharges representing, as much as possible, the entire storm drainage system for the purpose of obtaining information about illicit connections and improper dumping.
- 7.14.** "Escalating enforcement procedures" refers to a variety of enforcement actions in order to apply as necessary for the severity of the violation and/or the recalcitrance of the violator.
- 7.15.** "Entity" means a governmental body or a public or private organization.
- 7.16.** "EPA" means the United States Environmental Protection Agency.
- 7.17.** "General Permit" means a Permit which covers multiple dischargers of a point source category within a designated geographical area, in lieu of individual Permits being issued to each discharger.
- 7.18.** "Ground water" means water in a saturated zone or stratum beneath the surface of the land or below a surface water body.
- 7.19.** "High quality waters" means any water, where, for a particular pollutant or pollutant parameter, the water quality exceeds that quality necessary to support the existing or designated uses, or which supports an exceptional use.
- 7.20.** "Illicit connection" means any man-made conveyance connecting an illicit discharge directly to a municipal separate storm sewer.
- 7.21.** "Illicit discharge" means any discharge to a municipal separate storm sewer that is not composed entirely of storm water except discharges pursuant to a UPDES Permit (other than the UPDES Permit for discharges from the municipal separate storm sewer) and discharges resulting from emergency firefighting activities.
- 7.22.** "Impaired waters" means any segment of surface waters that has been identified by the Division as failing to support classified uses. The Division periodically compiles a list of such waters known as the 303(d) List.
- 7.23.** "Indian Country" is defined as in 40 CFR §122.2 to mean:
- 7.23.1.** All land within the limits of any Indian reservation under the jurisdiction of the United States Government, notwithstanding the issuance of any patent, and, including rights-of-way running through the reservation;
  - 7.23.2.** All dependent Indian communities within the borders of the United States whether within the originally or subsequently acquired territory thereof, and whether within or without the limits of a state; and
  - 7.23.3.** All Indian allotments, the Indian titles to which have not been extinguished, including right-of-ways running through the same.

- 7.24.** “Large MS4” *Large municipal separate storm sewer system* means all municipal separate storm sewers that are located in an incorporated place with a population of 250,000 or more as determined by the current Decennial Census by the Bureau of the Census.
- 7.25.** “Low Impact Development” (LID) is an approach to land development (or re-development) that works with nature to more closely mimic pre-development hydrologic functions. LID employs principles such as preserving and recreating natural landscape features, minimizing effective imperviousness to create functional and appealing site drainage that treat storm water as a resource rather than a waste product. There are many practices that have been used to adhere to these principles such as bioretention facilities, rain gardens, vegetated rooftops, rain barrels, and permeable pavements.
- 7.26.** "MS4" is an acronym for "municipal separate storm sewer system".
- 7.27.** "Maximum Extent Practicable" (MEP) is the technology-based discharge standard for Municipal Separate Storm Sewer Systems established by paragraph 402(p)(3)(B)(iii) of the Federal Clean Water Act (CWA), which reads as follows: “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.”
- 7.28.** “Medium MS4” *Medium municipal separate storm sewer system* means all municipal separate storm sewers that are located in an incorporated place with a population of 100,000 or more but less than 250,000, as determined by the 1990 Decennial Census by the Bureau of the Census
- 7.29.** “Monitoring” refers to tracking or measuring activities, progress, results, etc.;
- 7.30.** "Municipal separate storm sewer system" means a conveyance or system of conveyances (including roads with drainage systems, municipal streets, catch basins, curbs, gutters, ditches, man-made channels, or storm drains) pursuant to paragraphs R317-8-1.6(4), (7), & (14), or designated under UAC R317-8-3.9(1)(a)5:
- 7.30.1.** that is owned or operated by a state, city, town, county, district, association, or other public body (created by or pursuant to State Law) having jurisdiction over disposal of wastes, storm water, or other wastes, including special districts under State Law such as a sewer district, flood control district or drainage district, or similar entity, or a designated and approved management agency under section 208 of the CWA that discharges to Waters of the State;
- 7.30.2.** that is designed or used for collecting or conveying storm water;
- 7.30.3.** which is not a combined sewer; and
- 7.30.4.** which is not part of a Publicly Owned Treatment Works (POTW) as defined in 40 CFR 122.2.
- 7.31.** “NOI” is an acronym for “Notice of Intent” to be covered by this Permit and is the mechanism used to “register” for coverage under a General Permit.

- 7.32.** “Non-analytical monitoring” refers to monitoring for pollutants by means other than UAC R317-2-10 and 40 CFR 136, such as visually or by qualitative tools that provide comparative or rough estimates.
- 7.33.** “Operator” is the person or entity responsible for the operation and maintenance of the MS4.
- 7.34.** "Outfall" means a point source as defined by UAC R317-8-1.5(34) 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.
- 7.35.** “Phase II areas” means areas regulated under UPDES storm water regulations encompassed by Small MS4's (see definition 7.39.).
- 7.36.** “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 waterbodies; proximity to receiving waterbodies; non-storm water discharges and past record of non-compliance by the operators of the construction site.
- 7.37.** “Redevelopment” is the replacement or improvement of impervious surfaces on a developed site.
- 7.38.** “Runoff” is water that travels across the land surface, or laterally through the ground near the land surface, and discharges to water bodies either directly or through a collection and conveyance system. Runoff includes storm water and water from other sources that travels across the land surface.
- 7.39.** “SWMP” is an acronym for storm water management program. The SWMP document is 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.
- 7.40.** “SWPPP” is an acronym for storm water pollution prevention plan.
- 7.41.** “Small municipal separate storm sewer system” is any MS4 not already covered by the Phase I program as a medium or large MS4. The Phase II Rule automatically covers on a nationwide basis all Small MS4s located in “urbanized areas” (UAs) as defined by the Bureau of the Census (unless waived by the UPDES Permitting authority), and on a case-by-case basis those Small MS4s located outside of UAs that the UPDES Permitting authority designates.
- 7.41.1.** This term includes systems similar to separate storm sewer systems in municipalities, such as systems at military bases, large hospital or prison complexes, and highways and other thoroughfares. The term does not include separate storm sewers in very discrete areas, such as individual buildings.
- 7.42.** “SOP” is an acronym for standard operating procedure which is a set of written instructions that document a routine or repetitive activity. For the purpose of this Permit, SOPs should emphasize pollution control measures to protect water quality.
- 7.43.** "Storm water" means storm water runoff, snowmelt runoff, and surface runoff and drainage.

- 7.43.** “Storm water management program” means a set of measurable goals, actions, and activities designed to reduce the discharge of pollutants from the Small MS4 to the maximum extent practicable and to protect water quality.
- 7.44.** “TMDL” is an acronym for “Total Maximum Daily Load” and in this Permit refers to a study that: 1) quantifies the amount of a pollutant in a stream; 2) identifies the sources of the pollutant; and 3) recommends regulatory or other actions that may need to be taken in order for the impaired waterbody to meet water quality standards.
- 7.45.** “Urbanized area” is a land area comprising one or more places and the adjacent densely settled surrounding area that together have a residential population of at least 50,000 and an overall population density of at least 1,000 people per square mile.
- 7.46.** “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 (“UAC” R317-1-1).

# West Bountiful City



## **Utah Pollution Discharge Elimination System (UPDES)**

**Storm Water Management Plan  
(SWMP)  
Permit No. UTR090053**

**July 1, 2016**

**West Bountiful City  
550 North 800 West  
West Bountiful, Utah 84087  
(801) 292-4486**

## **1.0 Coverage Under This Permit**

West Bountiful City's Storm Water Management Program (SWMP) is intended to give direction to city staff and city property owners in satisfying Federal and State water quality requirements as set forth under the National Pollutant Discharge Elimination System (NPDES) and Utah Pollutant Discharge Elimination System (UPDES) permits. The purpose of the SWMP is to establish a program which will effectively limit the discharge of pollutants from the City's storm drainage system to the maximum extent practicable (MEP).

This program outlines the implementation of controls in an effort to prevent harmful pollutants from being carried by storm water runoff into local water bodies. The UPDES permit addresses six minimum control measures:

1. Public Education and Outreach on Storm Water Impacts
2. Public Involvement/Participation
3. Illicit Discharge Detection and Elimination (IDDE)
4. Construction Site Storm Water Runoff Control
5. Long-Term Storm Water Management in Development and Re-Development (Post-Construction Storm Water Management)
6. Pollution Prevention and Good Housekeeping for Municipal Operations

The SWMP includes the following information for each of the six minimum control measures:

- The Best Management Practices (BMPs) that the City will implement.
- The measurable goals for each of the BMPs.
- The persons/positions responsible for implementing or coordinating the BMPs.
- A rationale for how and why each of the BMPs and measurable goals for the program was selected.

### **1.1 Authority to Discharge**

#### **1.1.1 Federal**

In 1972 Congress enacted the Clean Water Act (CWA). The primary purpose for this federal statute is to protect the nation's waters. The objective of the Act is the total elimination of the discharge of pollutants into the nation's waters. The NPDES is a provision of the CWA. This provision prohibits discharge of pollutants into waters of the United States unless a special permit is issued by the Environmental Protection Agency (EPA), a state, or another delegated agency. As authorized by the CWA, the NPDES permit program controls water pollution by regulating point sources that discharge into waters of the United States. Point sources are discreet conveyances such as pipes or man-made ditches.

Phase II of the NPDES permit program focuses on Small Municipal Separate Storm Sewer Systems (MS4s). The regulated entities must obtain coverage under an NPDES storm water permit and implement a SWMP. The main objective of the program is to control point source pollution in urbanized areas to the MEP.

### **1.1.2 State**

The State Department of Environmental Quality (DEQ) administers the NPDES permit program in the State of Utah. The State has a General Permit. The DEQ issues UPDES permits under the State's General Permit.

An update to the UPDES MS4 permit became effective March 1, 2016. Included in the new permit are more restrictive storm water retention requirements, implementation of Low Impact Development (LID) standards and the requirement to update the mandated minimum six control measures.

### **1.1.3 County**

Each of the 15 cities in Davis County and Davis County are members of the Davis County Storm Water Coalition (Coalition). The City participates with other Coalition members to facilitate a program addressing the first three minimum control measures:

1. Public Education and Outreach on Storm Water Impacts
2. Public Involvement/Participation
3. Illicit Connection and Illicit Discharge Detection and Elimination

Components of the County's program include public education, mapping, and training among joint partners in the County.

## **2.0 Notice of Intent and Storm Water Management Program Requirements**

West Bountiful is located in south Davis County. The majority of the land use in the City is residential with some agricultural properties mixed in. The City also has a healthy commercial district on the east side of Interstate 15 and isolated from the majority of the city residents by I-15 and railroad tracks. The Holly Frontier petroleum refinery is also located within the City. The refinery has an independent Industrial UPDES permit issued by the State of Utah.

Some general information about the City includes:

Population:	5500
Area:	3.27 square miles
Geographic Description:	Just west of Bountiful City where the foothills flatten out with elevations between 4330 and 4210.
Receiving Waters:	Mill Creek, DSB Canal and unnamed County ditch which all three discharge to the Great Salt Lake and each receiving water is maintained by Davis County Public Works.
Annual Precipitation:	16.5" (Salt Lake Regional Airport)
Land Use:	79% Residential and Agricultural; 7% Commercial, 7% Industrial and 7% State Highway
Latitude:	40° 54' N
Longitude:	111° 54' W

West Bountiful City will implement management practices that will effectively limit, to the maximum extent practicable, the discharge of pollutants from the storm drainage system. The City will establish legal authority to control discharges to and from the storm drainage system through a combination of statute, ordinance, permit, contract, or order.

A combination of a monthly storm water user fee, plan review and inspection fees are the funding mechanisms to pay for the cost of implementing the NPDES/UPDES program and supplementing the City's storm water system needs. West Bountiful City utilizes an impervious area rate methodology as the basis for calculating equivalent residential units (ERU) for commercial properties. Storm water fees will be determined by calculating the total impervious area contained within an individual parcel. The rate structure ordinance includes procedures for challenging fees and for obtaining "credits" to reduce the effective fee. The West Bountiful City SWMP will be coordinated by the public works director.

## **2.1 Storm Water Management Plan Description for Renewal Permittees**

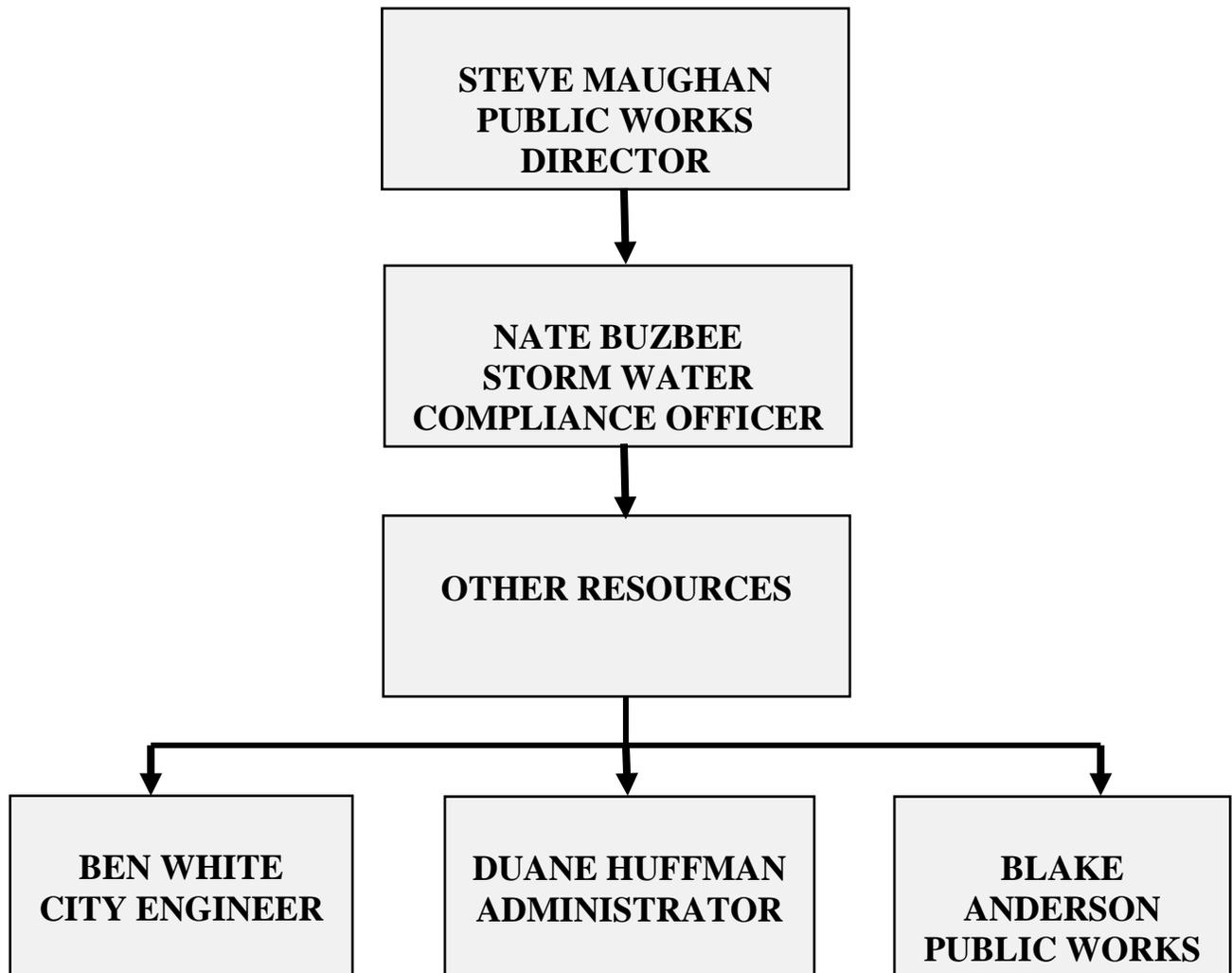
The City shall complete an annual review of the current SWMP. The review shall include (a) a review of the status of program implementation and compliance with the schedule-of-compliance contained in the SWMP; (b) a review of any revisions or changes of BMP's in the reporting year and an assessment of the changes or revisions for effectiveness; and (c) an overall assessment of the goals and direction of the SWMP and the effectiveness of the BMP's.

The SWMP may be modified by adding or subtracting a component, BMP, or requirement to the SWMP at any time in accordance with the following provision. Adding a BMP or other component to the SWMP can be made at any time provided the BMP or component is defined in writing. Subtracting a BMP or component identified in the SWMP must be made in written notice submitted to the Executive Secretary of the Division of Water Quality prior to the change. The subtraction shall be supported by justification explaining why the item is removed and evaluating the level of performance of any replacement item, all in accordance with Part 4.4 of the General Permit.

An update to the UPDES MS4 permit became effective March 1, 2016. Included in the new permit are more restrictive storm water retention requirements, implementation of Low Impact Development (LID) standards and the requirement to update the mandated minimum six control measures.

# STORM WATER MANAGEMENT PLAN ORGANIZATIONAL CHART

## WEST BOUNTIFUL CITY



### **3.0 Discharges to Water Quality Impaired Waters**

West Bountiful City does not discharge into any impaired waters. The City's storm drain discharges enter into drainage conveyances maintained by Davis County Public Works. The County monitors water quality on a quarterly basis.

### **4.0 Storm Water Management Program**

#### **4.1 Purpose**

This SWMP has been developed to limit, to the maximum extent practicable, the discharge of pollutants to the West Bountiful City Municipal MS4. This SWMP separately addresses the execution of the six minimum control measures in the following sections. The development and implementation of this SWMP is to fulfill requirements under the State of Utah UPDES Permit No. UTR090000 Authorization to Discharge Municipal Storm Water dated March 1, 2016 to February 28, 2021 in accordance to Section 1.

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

The six minimum control measures that must be included in the storm water management program are:

##### **4.2.1 Public Education and Outreach**

The purpose of this section is to define the outreach and education efforts that will be used to inform the public about storm water pollution issues. The City will continue to participate with the Davis County Storm Water Coalition (Coalition) in its efforts to provide public education and outreach to the citizens in Davis County. The City understands that greater support is achieved as the public gains understanding of the reasons why storm water management and pollution control is important. In addition, greater compliance with program requirements is realized as individuals become aware of their role in protecting the environment and their ability to impact the quality of local waterways.

The City will participate in a public education and outreach program to promote behavior change by the public to reduce water quality impacts associate with pollutants in storm water runoff and illicit discharges. Education is the emphasis in this SWMP because of its cost-effectiveness. The effort will include a multimedia approach and shall be targeted and presented to specific audiences for increased effectiveness. Education and outreach efforts will include the following four audiences: (1) residents, (2) businesses, institutions, and commercial facilities, (3) developers and contractors (construction), and (4) MS4 owned and operated facilities.

- a. Targeting specific pollutants and pollutant sources determined by the Coalition or City to be impacting, or have the potential to impact, the beneficial uses of receiving water. This includes providing information and outreach activities which describe the potential impacts from storm water discharges; methods for avoiding, minimizing, reducing and/or eliminating the adverse impacts of storm water discharges and the

- actions individuals can take to improve water quality, including encouraging participation in local environmental stewardship activities.
- b. Informing businesses, institutions, industrial users and the general public of the City’s prohibitions against and the water quality impacts associated with illegal discharges and improper disposal of waste.
  - c. Providing information for engineers, construction contractors, developers, development review staff, and land use planners about the development of storm water pollution prevention plans (SWPPPs) and BMPs for reducing adverse impacts from storm water runoff from development sites.
  - d. Providing and documenting training given to engineers, developers, development and plan review staff, land use planners, and other parties as applicable to learn about Low Impact Development (LID) practices, green infrastructure practices, and to communicate the specific requirements for post-construction control and the associated Best Management Practices (BMPs) chosen within the SWMP.
  - e. Providing and documenting information and training given to City employees concerning the prohibition against water quality impacts associated with illicit discharges and improper disposal of waste waters.

**4.2.1.1 Fourth Grade Education Program**

West Bountiful City will continue to participate in the Coalition for the purpose of providing education and training to the targeted audience with regards to storm water quality. The objective of this program is to provide students with educational materials, demonstrations and outreach events regarding the impact daily activities have on storm water quality.

Year	Measurable Goal Action Summary:	Document date(s), events, and attendees
2016		
2017		
2018		
2019		
2020		

**4.2.1.2 City Newsletter**

The City publishes quarterly newsletters which are distributed to residence and local businesses. Newsletter articles will be periodically published to educate the public related to the control of specifically targeted pollutants. Snow melt and household hazardous wastes would be targeted

in the winter months. Yard wastes, fertilizers, pesticides and animal wastes would be the educational topics during the warmer months.

The newsletter will be used to integrate multiple facets of the SWWP to provide information to the targeted audience. The newsletter will be used to provide education related to potential impacts from storm water discharges; detecting, eliminating and reporting illicit discharges; and methods which can improve water quality.

<b>Year</b>	<b>Measurable Goal Action Summary:</b>	<b>Document the date newsletter was mailed</b>		
2016				
2017				
2018				
2019				
2020				

**4.2.1.3 Information Given to Businesses**

The City will distribute printed educational materials to targeted businesses regarding the storm water quality impacts associated with their business. Targeted industries include yard wastes, automotive industries and mobile cleaners. The printed materials will be distributed to businesses along with business license renewal information every other year.

<b>Year</b>	<b>Measurable Goal Action Summary:</b>	<b>Informational packet reviewed and updated(distribution is tracked by</b>		
2017				
2019				
2021				

**4.2.1.4 Information Given to Engineers, Contractors and Developers**

The City will distribute storm water BMPs, SOPs and ordinances to contractors, engineers and developers to all interested parties. Information will also be available from the city website, [www.wbcity.org](http://www.wbcity.org).

<b>Year</b>	<b>Measurable Goal Action Summary:</b>	<b>Number of Requests for Information</b>
2016		
2017		
2018		
2019		
2020		

#### **4.2.1.5 Employee Training**

The City will provide training to employees concerning prohibition against and water quality impacts associated with illicit discharges. Training will consider topics including storage of industrial materials, equipment maintenance, waste disposal and proper parking lot maintenance.

<b>Year</b>	<b>Measurable Goal Action Summary:</b>	<b>Training Topics</b>
2016		
2017		
2018		
2019		
2020		

#### **4.2.1.6 Information Given to Engineers, Developers and Land Planners Regarding Low Impact Development (LID) Practices**

The City will explore and prepare LID post-construction BMPs which will be made available to interested parties. LID BMPs are expected to be available to the public by September 1, 2016.

<b>Year</b>	<b>Measurable Goal Action Summary:</b>	<b>Number of Requests for LID Information</b>
2016		
2017		
2018		
2019		
2020		

#### 4.2.1.7 Program Evaluation

The City will work with the Coalition to develop a survey designed to ascertain the public’s knowledge regarding behaviors which have an adverse affect on storm water quality. Questions such as, “What do you do with your grass clippings? How do you dispose of old paint? What do you perceive is the City’s biggest challenge to improving water quality?”

<b>Start Date</b>	<b>Due Date</b>	<b>Frequency</b>	<b>Task</b>	<b>Responsible Party</b>
2017	NA	TBD	Document Results of Survey	Davis County Storm Water Coalition, West Bountiful City

#### 4.2.1.8 BMP Rational

Storm water related BMPs have been developed by the City. BMPs will be periodically evaluated to determine their effectiveness and if adjustments are necessary. The rational for why specific BMPs are selected will be noted in each SWPPP or SOP.

<b>Year</b>	<b>Measurable Goal (Date)</b>	<b>BMP Modification Log</b>
2016		
2017		
2018		
2019		
2020		

## 4.2.2 Public Involvement and Participation

The purpose of this chapter is to outline a plan to include public involvement and participation in the process for developing this Storm Water Management Program.

### 4.2.2.1 Requirements

The City will implement a program that complies with applicable state and local public notice requirements. The SWMP will include ongoing opportunities for public involvement and participation such as advisory panels, public hearings, watershed committees, stewardship programs, environmental activities, other volunteer opportunities, or other similar activities. The City may prioritize all potentially affected stakeholder groups, which include but are not limited to, commercial and industrial businesses, trade associations, environmental groups, homeowners associations, and education organizations. The minimum performance measures will be:

- a. The City will 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 and regulatory mechanisms.
- b. The City will make the latest updated version of the SWMP available to the public for review and input. A current version of the SWMP will remain available for public review and input for the life of the permit. The City will post the latest version of the SWMP on its website to allow the public to review and provide input.
- c. Notice of all SWMP-related public hearings will be published using the same criteria required by the City for other public hearings.

**4.2.2.2 The City will hold a Public Hearing with the Planning Commission once per year where the public may comment on SWMP related subjects.**

<b>Year</b>	<b>Measurable Goal Action Summary:</b>	<b>Record dates of public hearings and ordinances being</b>
2016		
2017		
2018		
2019		
2020		

**4.2.2.3 The City will make the SWMP available to the public via printed materials at City Hall and by maintaining a current copy of the city SWMP on the city website.**

<b>Year</b>	<b>Measurable Goal Action Summary:</b>	<b>Document number of comments received on SWMP and answers given</b>
2016		
2017		
2018		
2019		
2020		

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

The purpose of this chapter is to outline a program designed to systematically find and eliminate sources of non-storm water discharges to the City storm water system and to implement defined procedures to prevent illicit connections and discharges.

The City will work with the Davis County Public Health Department to evaluate potential illicit discharges and assure that they are stopped and properly cleaned up. Both the City and the Davis County Health Department maintain hotline phones numbers for reporting illicit discharges.

#### 4.2.3.1 Requirements

As part of the effort to eliminate illicit discharges, the City will:

1. Maintain a current storm sewer system map of the City, showing the location of all municipal storm sewer outfalls and the names and location of all state waters that receive discharges from those outfalls, storm drain pipes, and other storm water conveyance structures within the system, both public and private.
2. Effectively prohibit, through ordinances or other regulatory mechanisms, illicit discharges into the storm sewer system, and implement, by ordinance, appropriate enforcement procedures and actions.
3. Implement and document a procedure to detect and address non-storm water discharges to the City, including spills, illicit connections, sanitary sewer overflows, and illegal dumping.
4. Conduct field inspections of areas which are considered a priority area for potential illicit discharges.
5. Conduct dry weather screening for the purpose of verifying outfall locations and detecting illicit discharges. All outfalls are to be inspected at least once during the 5 year permit term.
6. Implement standard operating procedures (SOPs) for the ceasing the illicit discharge, including notification of the appropriate authorities; notification of property owner; technical assistance to remove the source of the discharge; follow-up inspection; and escalating enforcement and legal actions is the discharge is not eliminated. Document all investigations related to potential illicit discharges
7. Inform employees, businesses, and the general public of hazards associated with illicit discharges and improper disposal of waste.

#### 4.2.3.2. Maintain Storm Water System Map

The City Engineer will maintain a storm water map of the entire storm water system including all out fall locations. This map is to be reviewed annually with the Public Works Department to ascertain any modifications that may be necessary.

Year	Measurable Goal Action Summary:	Record Date of Map Review and Proposed Changes
2016		

2017	
2018	
2019	
2020	

**4.2.3.2. Ordinance for Illicit Discharge**

The City will develop an ordinance which prohibits illicit discharges into the storm water system and appropriate enforcement procedures. This ordinance is expected to be in place in the fall of 2016. In the meantime, the City will continue to rely on the Davis County Illicit Discharge Ordinance and enforcement measures.

<b>Year</b>	<b>Measurable Goal Action Summary:</b>	<b>Document Any Changes to the Ordinance</b>
2016		
2017		
2018		
2019		
2020		

**4.2.3.3. Dry Weather Screening**

The Davis County Health Department conducts dry weather screening on drainage facilities. The results will be evaluated to ascertain any positive or negative impacts to water quality.

<b>Year</b>	<b>Measurable Goal Action Summary:</b>	<b>Document Any Noticable Changes to Water Quality</b>
2016		
2017		
2018		
2019		
2020		

#### 4.2.3.4 Outfall Inspections

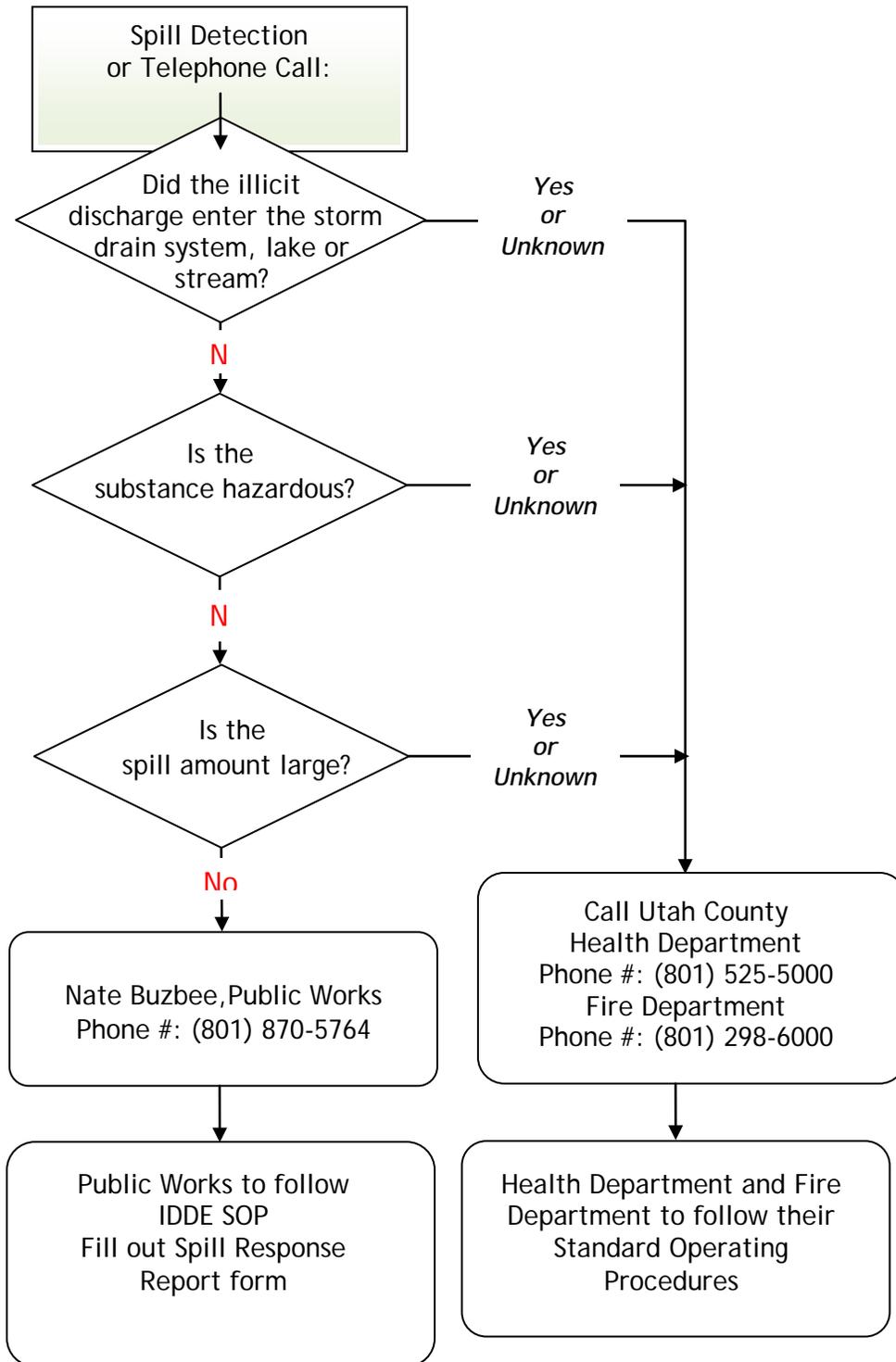
Outfall inspections will be inspected according the schedule included in the SOPs. Special attention is to be given to priority sites.

<b>Year</b>	<b>Measurable Goal Action Summary:</b>	<b>Document Any Changes to the High Priority Site Ranking and Outfall Inspected</b>
2016		
2017		
2018		
2019		
2020		

#### 4.2.3.5 Illicit Discharge Source Tracing

SOPs for Illicit Discharges are contained in the Appendix. A flow chart to assist on the initial response to potential illicit discharges is included. Additional forms and information is contained in the appendix. Hotline telephone numbers to report illicit discharge are to be maintained on the city website for City Hall and a 24 hour hotline which is answered by the emergency personnel dispatcher.

# INCIDENT RESPONSE FLOW CHART



<b>Year</b>	<b>Measurable Goal Action Summary:</b>	<b>Document Any Potential Illicit Discharges</b>
2016		
2017		
2018		
2019		
2020		

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

The purpose of this program is to reduce the pollutants in storm water runoff from construction sites.

##### **4.2.4.1 Requirements**

The City will operate a program to reduce pollutant discharges for construction sites which disturb areas greater than one acre including:

1. Requiring construction operators to prepare a Storm Water Pollution Prevention Plan (SWPPP) and apply sediment and erosion control BMPs as necessary to protect water quality, reduce pollutant discharges and control other construction waste and debris. The SWPPP must at a minimum, meet the current requirements for the UPDES Storm Water General Permits for Construction Activities.
2. The City will enact a new storm water ordinance in addition to this SWMP which will:
  - a. Include provisions for access by qualified personnel to inspect construction storm water BMPs on private property that discharge to the MS4.
  - b. Include enforcement strategy which includes escalating enforcement procedures
3. Maintain and implement Standard Operating Procedures (SOPs) to for pre-construction inspections, SWPPP reviews and record keeping.
4. Identifying priority construction sites
5. Inspect all construction sites larger than one acre disturbance prior to construction and at least once per month during construction. Priority construction sites are to be inspected at least every two weeks. Follow up inspections based on inspections will be documented.
6. Training will be provided to review and inspection personnel.

##### **4.2.4.2 SWPPP Requirements**

The City will include in their storm water ordinance the requirement for all applicants to meet the minimum standards outlined in the UPDES Storm Water General Permit for Construction Activities. This also includes provisions for city personnel to access permitted private property sites for compliance inspections. The ordinance will also include escalating enforcement measures. The intent is to have a new storm water ordinance in place during the fall of 2016.

##### **4.2.4.3 SWPPP Review**

Written procedures will be developed to review SWPPPs from contractors prior to beginning construction. The plan must include possible sources of storm water pollutants, selected BMPs and rational for the selected BMPs. The SWPPP will also be discussed at a pre-construction meeting.

Year	Measurable Goal Action Summary:	List of SWPPP Reviewed
2016		
2017		
2018		
2019		
2020		

#### **4.2.4.4 Preconstruction Inspection**

Reconstruction inspections are to be conducted on all permitted sites to verify the installation of the BMPS listed in the SWPPP prior to construction.

#### **4.2.4.5 Priority Construction Sites**

The City will identify priority construction sites that have a high probability of effecting water quality. Until a process to identify priority construction sites is developed, all construction sites with more than one-acre disturbed at a time will be designated as a high priority.

#### **4.2.4.6 Construction Inspection**

The SWPPP Inspector will be responsible for construction site inspections. Escalating enforcement measures will be as outlined in the storm water ordinance. The storm water inspection form can be found in the appendix.

#### **4.2.4.7 Low Impact Development (LID) Opportunities**

The City will encourage LID design measures be incorporated whenever feasible.

#### **4.2.4.8 City Personnel Training**

City storm water inspectors will receive training related to permit requirements, plan reviews, construction site inspection and enforcement from other trained city staff, the Coalition and other trained third parties. Training records will include dates, course description and names of those who attend.

Year	Measurable Goal Action Summary:	Document training dates, attendance and course description
2016		
2017		
2018		
2019		
2020		

#### 4.2.4.9 Record Keeping

All inspections, enforcement actions and other pertinent information is to be kept by the Storm Water Inspector. This file will also contain SWPPP, plan review comments and preconstruction meeting minutes.

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

The City will develop, implement and enforce a program to address post-construction storm water runoff to the City from new development and redevelopment projects according to the minimum performance measures listed below. The objective is for the hydrology of a new development to mirror the pre-development hydrology of the previously undeveloped site or to improve the hydrology of a redeveloped site and reduce the discharge of storm water. The program applies to both public and private development sites, including roads.

The minimum performance measures include:

1. The City will adopt an Ordinance that requires long-term post construction storm water control at new and redevelopment sites. The Ordinance shall require BMP selection, design, installation and operation and maintenance standards necessary to protect water quality and reduce the discharge of pollutants to the MS4.
2. Procedures to obtain compliance from chronic and recalcitrant violators including escalating enforcement measures.
3. Document the rationale used to select long term BMPs; what pollutants are targeted for removal; and technical basis for the performance claims. BMPs must address pollutants known to be discharged or anticipated to be discharged.
4. Adopt an Ordinance that encourages Low Impact Development (LID) procedures such as rain harvesting, permeable pavement and vegetated swales whenever

- possible. If LID approaches cannot be used, then the rationale for the chosen alternative controls must be documented on a case by case basis.
5. The City will develop a plan to retrofit existing development sites that are adversely impacting water quality. The plan will include ranking control measures. The plan will address the following criteria:
    - a. Proximity to water body
    - b. Status of water body to improve impaired waterbodies and protect unimpaired waterbodies
    - c. Hydrologic condition of the receiving waterbody
    - d. Proximity to sensitive ecosystem or protected area
    - e. Any upcoming sites that could be further enhanced by retrofitting storm water controls
  6. A hydrologic method shall be developed for storm water retention and detention calculations. As a minimum the 90<sup>th</sup> percentile rainfall event will be retained onsite unless it is demonstrated technically infeasible. In which case, an alternate design will be developed.
  7. A site plan review procedure will be developed to evaluate water quality impacts through the life of a project from conceptual design to post-construction condition. As a minimum the review procedures will include:
    - a. Review of post-construction plans to ensure the long-term storm water management measures meet the minimum requirements of this control measure.
    - b. City will develop and provide to contractors preferred design specifications to more effectively treat storm water from different development types.
    - c. The City will develop SOPs for inspection and enforcement of long-term operation and maintenance of storm water control measures.
    - d. City will inspect permanent structural BMPs while they are constructed. Permanent structural BMPs are to be inspected annually and once every five years where an agreement for third party maintenance is executed.
    - e. The City will develop an inventory of all post-construction structural storm water control measures for both public and private sites. The inventory must include the owners name, maintenance requirements, frequency of inspections and a log of inspections.

**4.2.5.1 Post Construction Ordinances**

The City will develop a storm water ordinance that includes requirements for post-construction structural BMPs and enforcement measures. The ordinance is expected to be complete in the fall of 2016.

Year	Measurable Goal Action Summary:	Document the changes to ordinance
2017		
2018		

2019	
2020	

Year	Measurable Goal Action Summary:	Document enforcement actions taken
2017		
2018		
2019		
2020		

#### 4.2.5.2 Documentation for Post-Construction BMP Requirements

The City will document the rational used for the BMP selection which will include a description of the targeted pollutant removal and the technical basis which supports the performance claims.

Year	Measurable Goal Action Summary:	Document the changes in BMP selection
2017		
2018		
2019		
2020		

#### 4.2.5.3 Post-Construction Controls Standards for Development and Redevelopment Projects

Post-construction control standards for development will be added to the SWMP.

#### 4.2.5.4 New Development Post Construction

The City will review each SWPPP applications to minimize disturbance to native vegetation and protect sensitive lands such as wetlands and flood plains.

**4.2.5.5 Post-Construction Controls**

The City’s post-construction BMP priority is to implement LID measures whenever practical. The design and selection of post-construction controls must take into consideration clogging and issues, freeze-thaw problems, fluctuations in a high groundwater table, nearby storm water conveyances and ability to effectively maintain the control measure.

**4.2.5.6 Retrofit Existing Storm Drainage Infrastructure**

The City will inspect and document existing storm drainage infrastructure BMPs that are adversely affecting water quality to determine if there is a different, practical BMP that would be more effective.

<b>Year</b>	<b>Measurable Goal Action Summary:</b>	<b>Document Retrofit Inspections and Recommendations</b>
2016		
2017		
2018		
2019		
2020		

**4.2.5.7 Hydrological Method for Determining Storm Water**

The City accepts the rational method to calculate storm water runoff volumes. Storm intensity data is derived from the NOAA Atlas 14 data. A Farmer-Fletcher Modified 3-Hour storm distribution is used to calculate runoff and detention volumes. Developments greater than one acre are required to detain the 90<sup>th</sup> percentile storm or 0.6 inches. This is to be accomplished by infiltration/evapotranspire, rain water harvesting or retention. If the 0.6 inch retention is technically infeasible, alternate design criteria will be evaluated on a case by case basis.

**4.2.5.8 Site Plan Review of Post-Construction Storm Water Controls**

The City shall develop preferred long-term storm water management design alternatives for different development types.

<b>Year</b>	<b>Measurable Goal Action Summary:</b>	<b>Revisions to Preferred Long-Term Storm Water Management Measures</b>

2016	
2017	
2018	
2019	
2020	

#### **4.2.5.9 Standard Operating Procedure for Post-Construction Inspections and Enforcement**

The storm water ordinance will include inspection provisions for both during construction and post-construction to insure that long-term storm water management measures were constructed properly. The ordinance and SOPs will address annual inspections by either the city or a third party. Inspections and notice of violations, as well as corrective actions, are to be documented.

As part of the documentation, an inventory of post-construction structural storm water measures will be created which will include a description of each measure, required maintenance together with inspection information.

#### **4.2.6 Pollution Prevention and Good Housekeeping For Municipal Operations**

The City will develop and implement an operations and maintenance (O&M) program for City-owned or operated facilities, municipal operations, and structural storm water controls which include standard operating procedures (SOPs), SWPPP and a training component that have the ultimate goal of preventing or reducing pollutant runoff from municipal operations and facilities.

##### **4.2.6.1 Requirements**

The minimum performance measures will include:

1. An inventory of all City-owned or operated facilities and storm water controls
2. The City will assess the written inventory of City-owned or operated facilities, operations and storm water controls for their potential to discharge to storm water the following typical urban pollutants: sediment, nutrients, metals, hydrocarbons (e.g., benzene, toluene, ethylbenzene and xylene), pesticides, chlorides, and trash. The City will also determine additional pollutants associated with its facilities that could be found in storm water discharges. A description of the assessment process and findings will be included in this SWMP document.
3. The City will identify as “high-priority” those facilities or operations that have a high potential to generate storm water pollutants. A SWPPP will be developed for each “high-priority” facility which also includes an inspection schedule that meets the minimum requirements of the MS4’s permit.
4. SOPs will be developed for all City operated facilities which include:

- a. Buildings: washing, painting, chemical handling and disposal, cleaning, parking lot maintenance, waste management and other activities which may potentially have a adverse impact on storm water runoff.
  - b. Material and heavy equipment storage
  - c. Parks and Open Space
  - d. Vehicle maintenance
  - e. Roads and parking lots
  - f. Storm water systems
  - g. Golf Course
  - h. Other facilities that may have an adverse affect on storm water runoff.
5. City will inspect private storm water systems to ensure compliance
  6. The City will develop and implement a process to assess the water quality impacts in the design of all new flood management structural controls that are associated with the City or that discharge to the MS4. A description of this process will be included in the SWMP document.
  7. Existing flood management structural controls will be assessed to determine whether changes or additions should be made to improve water quality. A description of this process and determinations will be included in the SWMP document.
  8. Public construction projects will comply with the requirements applied to private projects.
  9. The City will train specific employees responsible for the operations and maintenance of City-owned facilities that could have an adverse affect on storm water runoff. Training will occur for newly hired employees and annually thereafter. Training will include the importance of protecting water quality, permit requirements, operation and maintenance requirements, inspection procedures, ways to perform their job activities to prevent or minimize impacts to water quality, SOPs for the various City-owned or operated facilities and procedures for reporting water quality concerns, including potential illicit discharges. Follow-up training will be provided as needed to address changes in procedures, methods or staffing.

#### 4.2.6.2 Inventory of City Owned or Operated Facilities

##### CITY OWNED FACILITIES

	<b>NAME AND ADDRESS</b>	<b>OPERATING HOURS</b>	<b>Description</b>
1	City Hall-Public Works Bldg 550 N 800 W, West Bountiful	7am-5pm, M-F	City Hall is open during normal business hours, with occasional evening meetings. The public works department works stores some materials and equipment here.
2	Lakeside Golf Course-Pro Shop 1201 N 1100 W, West Bountiful	Golf Season	The golf course is open during daylight hours whenever the weather is nice enough to play golf
3	Lakeside-Maintenance Building 1000 W 1070 N, West Bountiful	Golf Season	Open daylight hours March thru November. Some maintenance activities are conducted here.

4	City Water Well 550 W 1000 N, West Bountiful	24-7	Underground well connected to water system
5	Public Works Yard 860 N Jessi's Meadow Dr	As needed	Storage of materials and disposal of excavated soil
6	City Park 550 W Pages Ln, West Bountiful	Daylight Hrs	Grass area, parking lot sports fields, pavilions and playground
7	Child Park 2340 N 680 W, West Bountiful	Daylight Hrs	Grass area and playground
8	Birnam Woods Park 2361 N 880 W, West Bountiful	Daylight Hrs	Parking, open space, sod and playground
9	City Water Tank 300 E 500 S, Bountiful	24-7	Buried tank with driveway and xeriscape
10	City Water Tank 600 E 550 N, Bountiful	24-7	Buried concrete tank with native vegetation

#### 4.2.6.3 SWPPP for each City Owned or Operated Facility

SWPPPs will be prepared for each of the city owned or operated facilities. The SWPPP will include the potential pollutant discharges, SOPs, identify high priority sites, O&M procedures, material storage and vehicle maintenance.

Year	Measurable Goal Action Summary:	Document Changes to Operating Procedures
2016		
2017		
2018		
2019		
2020		

#### 4.2.6.4 Storm Water Collection and Conveyance Systems

SOPs that describe the operating procedures for the inspection, cleaning, maintenance and repair of detention basins, storm drain pipe systems, ditches and gutters will be followed. The City will keep a record of their maintenance operations.

<b>Year</b>	<b>Measurable Goal Action Summary:</b>	<b>Revisions to Storm Water SOPs and O&amp;M Procedures</b>
2016		
2017		
2018		
2019		
2020		

#### **4.2.6.5 Third Party Facilities**

The City will allow private property owners to conduct their own maintenance and inspections of storm water BMPs. The expectation is that private facilities will be held to the same standard as public facilities. The standard will be maintained through proposed city ordinance and other maintenance agreements. The city will inspect private storm drain facilities as required by this permit.

#### **4.2.6.6 Flood Control Management Designs**

A SOP will be developed to evaluate potential impacts flood control measures have on water quality and determine if changes would improve water quality. This will apply to new controls as well as existing facilities.

<b>Year</b>	<b>Measurable Goal Action Summary:</b>	<b>Revisions made to Flood Control Management Designs</b>
2016		
2017		
2018		
2019		
2020		

#### **4.2.6.7 Public Construction Projects**

Public construction projects shall comply will the same as private construction including post-construction controls selection.

#### **4.2.6.8 Employee Training**

The City will train specific employees responsible for the operations and maintenance of City-owned facilities that could have an adverse affect on storm water runoff. Training will occur for newly hired employees and annually thereafter. Training will include the importance of protecting water quality, Permit requirements, operation and maintenance requirements, inspection procedures, ways to perform their job activities to prevent or minimize impacts to water quality, SOPs for the various City-owned or operated facilities and procedures for reporting water quality concerns, including potential illicit discharges.

1 **West Bountiful City**  
2 **Planning Commission**

**PENDING**

**June 14, 2016**

3 **Posting of Agenda** - The agenda for this meeting was posted on the State of Utah Public Notice website  
4 and the West Bountiful City website, and sent to Clipper Publishing Company on June 10, 2016 per state  
5 statutory requirement.

6 **Minutes of the Planning Commission meeting of West Bountiful City held on Tuesday,**  
7 **June 14, 2016, at West Bountiful City Hall, Davis County, Utah.**

8

9 **Those in Attendance:**

10

11 **MEMBERS PRESENT:** Chairman Denis Hopkinson, Vice Chairman Terry  
12 Turner, Mike Cottle, Laura Charchenko, Alan Malan, Corey Sweat.

13

14 **MEMBERS/STAFF EXCUSED:** Councilmember Andy Williams.

15

16 **STAFF PRESENT:** Ben White (City Engineer), Cathy Brightwell (City  
17 Recorder) and Debbie McKean (Secretary)

18

19 **VISITORS:** Wendell Wild, Marty Vowles, April Vowles, Randy Peterson.

20 The Planning Commission Meeting was called to order at 7:30 p.m. by Chairman Hopkinson.  
21 Terry Turner offered a prayer.

22 **I. Accept Agenda**

23 Chairman Hopkinson reviewed the agenda.

24 **ACTION TAKEN:**

25 **Mike Cottle moved to accept the agenda as presented. Laura Charchenko seconded the**  
26 **motion and voting was unanimous in favor among members.**

27 **Business Discussed:**

28 **II. Consider Conditional Use Application From Wendell Wild to Build a Detached**  
29 **Garage at 735 West 1000 North that Exceeds the 20 ft Height Restrictions in the**  
30 **R1-10 Zone.**

31 Included in the Commissioner's Packets was a memorandum from Ben White dated June 9, 2016  
32 regarding Wild-Accessory Building Conditional Use Permit, Conditional Use Permit  
33 Application, and a site plan. The memorandum included the following information:

- 34       • Reference to Section 17.24.060 which requires a Conditional Use Permit for an accessory  
35 structure in the R-1-10 zone if it is more than one story or more than twenty feet tall. The  
36 Planning Commission needs to either find affirmative finding for the approval of the  
37 building or place conditions that would mitigate the negative impacts.
- 38       • Wendell and Mary wild would like to build a detached garage on their property with a  
39 height of approximately 23 feet and one cupola that reaches about 26 feet. The building  
40 would be constructed near the rear of the Wild's 207 foot deep property. The building  
41 structure would be 40' x 52'. Prior to 1983 a two story carriage house was located at this  
42 site.
- 43       • Similar applications have been brought before the Planning Commission in recent year.  
44 Most permits have been in the R-1-22 zone, however two application were approved in  
45 the R-1-10 zone.
- 46       • The Wild property has a flag lot which is part of Stringham Farms Subdivision and is  
47 directly south of the proposed building location. The other two applications in the R-1-10  
48 zone that were approved were located quite a distance

49 Chairman Hopkinson directed the Commissioners to the memorandum from staff and reviewed  
50 the possible motions that could be entertained.

51 Ben White informed the Commission the reason for this application was that the accessory  
52 building he intends to build exceeds the 20 ft. minimum and needs a conditional use permit. He  
53 pointed out some previous similar applications that have been approved. He described the  
54 property that would house the accessory building. Prior to 1983 there was a carriage house on  
55 that site which was destroyed by heavy winds. The new structure will be in the same footprint.

56 Wendell Wild was invited to take the stand for questions from the Commission.

57 Laura Charchenko asked about the windows in the structure. Mr. Wild replied that they are for  
58 ornamental purposes only.

59 Alan Malan asked Ben White about the requirement for curb, gutter and sidewalk along that area  
60 when a building permit is issued. Ben White responded that it was already constructed as part of  
61 the earlier subdivision.

62 There were no other questions.

63 Wendell Wild pointed out because there are no basements allowed due to the high water table in  
64 that area, most structures are two story. He felt that this dwelling will fit in well and should not  
65 have negative impact on the sky scape or landscape in the area.

66 **ACTION TAKEN:**

67 *Alan Malan moved to approve the Conditional Use Permit for Wendell Wild for an accessory*  
68 *structure at 735 West 1000 North as allowed in Section 17.24.060 after considering the*  
69 *following affirmative findings: the proposed use will not be detrimental to the health, safety,*  
70 *or general welfare of persons residing or working in the vicinity, or injurious to property or*

71 *improvements in the vicinity; accompanying improvements will not inordinately impact*  
 72 *schools, utilities, and streets; will provide the appropriate buffering of uses and buildings,*  
 73 *proper parking and traffic circulation, and the use of building materials and landscaping*  
 74 *which are in harmony with the area, and compatibility with adjoining uses, will comply with*  
 75 *the regulations and conditions specified in the land ordinance for such use; will conform to*  
 76 *the intent of the city's general plan and the conditions to be imposed in the conditional use*  
 77 *permit will mitigate the reasonably anticipated detrimental effects of the proposed use and*  
 78 *accomplish the purposes of subsection 17.60.040. Laura Charchenko seconded the motion*  
 79 *and voting was unanimous in favor.*

80  
 81 **III. Discuss Request from Marty and April Vowles to Consider Options for Building**  
 82 **a Detached Accessory Dwelling Unit on Their Property at 869 West 400 North.**  
 83

84 Included in the Commissioner's packets was a memorandum dated June 14, 2016 from Ben  
 85 White and Cathy Brightwell regarding options addressing a requested ADU for the Vowles, 869  
 86 West 400 North, a letter to the City from Marty Vowles, and a copy of the ADU Ordinance.  
 87

88 Chairman Hopkinson explained that the reason for the ADU Ordinance was so that there were  
 89 not a lot of rental units left after a family member passed on. This ordinance was carefully  
 90 discussed and thought out years ago. Mr. Hopkinson pointed out that if their property were  
 91 wider, a flag lot would be a perfect solution for what they would like to do.  
 92

93 Chairman Hopkinson asked for discussion from the Commission. The comments were  
 94 unanimous that they were not in favor of making changes to the ADU ordinance. They  
 95 explained that even though they understood the situation that brought about this request and that  
 96 the Vowles property would handle a detached building better than most, the current ordinance  
 97 has merit by restricting multiple dwellings on a property and any change would result in R2  
 98 properties throughout the City.  
 99

100 Marty Vowles took the stand and stated they love West Bountiful and would love to find a  
 101 solution that works for their situation. He would like some explanations regarding why a  
 102 detached dwelling would be different than an attached ADU as it applies to the Purpose of the  
 103 Ordinance. Chairman Hopkinson explained that the ADU Ordinance was considered for family  
 104 members only who needed part time care. A detached dwelling would lend itself to be a rental  
 105 when the purpose for serving family was no longer needed.  
 106

107 Mr. Vowles asked if the logic for the attached ADU would not be the same for the detached. He  
 108 knows of several properties in the city that have detached dwellings that are being used for  
 109 rentals. He pointed out that Bountiful City wanted to accomplish the same goal as West  
 110 Bountiful and uses a Conditional Use with recorded deed restrictions on the property so that it  
 111 could not be used for a rental.  
 112

113 Further discussion took place regarding those dwellings that are possibly grandfathered in and  
 114 would not be affected by new ordinances. Mr. Vowles asked what would happen if  
 115 improvements are made to the grandfathered property. Would it eliminate it from being

116 grandfathered? It was explained that if it is not used for the original purpose or if the structure  
 117 changes from its original footprint for over a year then it is no longer grandfathered. The  
 118 Commission stressed once again that the ADU ordinance was not likely be changed to  
 119 accommodate what Mr. Vowles is requesting. It is just not conducive to what West Bountiful  
 120 wants in their General Plan.

121  
 122 The Commission expressed their understanding and compassion for the needs of the Vowles and  
 123 also expressed their appreciation for all the home work they did on behalf of their request.

124

125

#### 126 **IV. Staff Report**

##### 127 **Ben White reported:**

- 128 • Cottages at Havenwood will be back for final approval in the near future.
- 129 • No Planning Commission meeting will be held on June 28th because of Primary  
 130 Elections but another meeting may be held in its place on a different day. Staff will give  
 131 them at least a week's notice.
- 132 • The City is under mandate from the EPA to operate a storm drain program to update the  
 133 Storm Water Ordinance or we can lose our authority to direct it.
- 134 • Brandon Jones owns the large open grass area, soccer fields, on 800 West just north of  
 135 Heritage Pointe which are actually two lots included in the Heritage Pointe Subdivision.  
 136 He would like to build a large addition on his existing home. Mr. White explained that  
 137 he would need to combine the lot on which he plans to build and which is part of the  
 138 Heritage Pointe subdivision with the lot his home is on. Another issue is that his home is  
 139 not in the historic district while the two empty lots are included in the District as part of  
 140 Heritage Pointe. Mr. Doxey is currently reviewing the situation to see what options are  
 141 available.
- 142 • An issue with the Title 17 definitions came up this week. Language in the ordinance  
 143 states that a corner lot has two front yards with 30 ft. setbacks and is inconsistent with  
 144 language that says a side yard next to a street has a 20 ft. setback. There is some  
 145 confusion as to how these situations should be handled and staff intends to bring back  
 146 language to correct the problem in a future meeting.
- 147 • City Council and Planning Commission will have a work meeting to discuss the process  
 148 of PUD ordinance in the near future.
- 149 • Chairman Hopkinson stated that there are three new reconstructed roads in our city in the  
 150 past few years. Some of the roads have some major construction issues and need to be  
 151 repaired. Staff is aware of the problems and looking into those situations and trying to  
 152 find ways to resolve them.

153

##### 154 **Cathy Brightwell:**

- 155 • Asked for feedback from the Land Use workshop several members attended last  
 156 Saturday. They all said it was good and they learned from it.

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**V. Approval of Minutes of May 24, 2016.**

**ACTION TAKEN:**

*Terry Turner moved to approve the minutes dated May 24, 2016 as corrected. Laura Charchenko seconded the motion and voting was unanimous in favor among those members present.*

**Assignments Given by Chairman Hopkinson**

- Chairman Hopkinson invited the Commissioners to become familiar with the General Plan and Zoning Map so that in the near future they can review the General Plan to be updated.
- Chairman Hopkinson pointed out that the city needs to work on annexing the properties that they provide some services to, but that are not within the city limits. He stated that we need the benefit as a City of them being part of our city and need to put some effort into getting that to happen.

**VI. Adjournment**

**ACTION TAKEN:**

*Alan Malan moved to adjourn the regular session of the Planning Commission meeting. Laura Charchenko seconded the motion. Voting was unanimous in favor. The meeting adjourned at 8:30 p.m.*

.....

The foregoing was approved by the West Bountiful City Planning Commission on xxxxx, 2016, by unanimous vote of all members present.

\_\_\_\_\_  
Cathy Brightwell – City Recorder