STATE OF UTAH DEPARTMENT OF ENVIRONMENTAL QUALITY
DIVISION OF WATER QUALITY

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

UPDES PERMIT NUMBER UTS000003

In compliance with the provisions of the Utah Water Quality Act, Title 19, Chapter 5, Utah Code Annotated 2004, as amended (the "Act"), 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,

UTAH DEPARTMENT OF TRANSPORTATION

is hereby authorized to discharge, in accordance with monitoring requirements and other provisions as set forth in this Permit, from all portions of the municipal separate storm sewer owned and operated by the Utah Department of Transportation Statewide, to Waters of the State.

This modified Permit shall become effective on DATE

This Permit and the authorization to discharge shall expire at midnight, August 30, 2026 except as described in Part 6.3 of this Permit.

Signed this DATE

_____
John K. Mackey, P.E
Director

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UPDES PERMIT FOR DISCHARGES FROM
UTAH DEPARTMENT OF TRANSPORTATION MS4

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1.0 Coverage Under this Permit

1.1. Authority to Discharge

This Permit authorizes the discharge, to Waters of the State of Utah, of storm water from all existing outfalls of the drainage system operated by the Utah Department of Transportation (UDOT) Statewide. The discharge of storm water from new drainage system outfalls operated byUDOT is authorized only if installation and operation are in accordance with the requirements of this Permit. This authorization is subject to all of the terms and conditions of this Permit. This Permit does not authorize discharges prohibited under Part 1.4. of this Permit.

1.2. Permit Area and Eligibility

1.2.1. This Permit covers all portions of municipal separate storm sewer systems including all state and interstate roadways and the right-of-ways associated with them, UDOT-owned properties, and UDOT-owned or operated facilities that discharge to State waters.

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 MS4 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 Director identifies these discharges as significant sources of pollutants to Waters of the State or as causing or contributing to a violation of water quality standards:

- 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 residential swimming pool discharges;
- Residual street wash water;
- Dechlorinated water reservoir discharges; and
- Discharges or flows from emergency firefighting activity

1.3. Local Agency Authority

This Permit does not preempt or supersede the authority of local agencies to prohibit, restrict, or control discharges to storm drain systems or other water courses within 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) R317-8-11.3(6)(c).*

1.4.3. Storm water discharges associated with construction activity as defined in *UAC R317-8-11.3(6)(e).*

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. The discharge must be consistent with the TMDL at the time an Application 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.

1.5. Documents the Permittee Shall Develop to Append the Permit

The following documents shall be developed and signed (in accordance with Part 6.8. *Signatory Requirements)* by the Permittee and will append the Permit:

1.5.1. Appendix I: *Responsible Entity Identification and Accountability:* The Permittee shall include any necessary agreements, contracts, or memorandum of understanding (MOUs) between the Permittee and/or other municipal (or non-municipal) entities that affect the implementation and operation of SWMP.

1.5.2. Appendix II: *Storm Water Management Program (SWMP)*

1.5.2.1. The purposes, objectives, and the required contents of Appendix II are listed in Part 4.0 of this Permit.

1.5.3. Appendix III: *Storm Water Wet and Dry Weather Monitoring Plans*:

1.5.3.1. The purposes, objectives, and the required contents for Appendix III are listed in Part 5.2 of this Permit.

1.5.3.2. Modifications to this document shall be approved with a signature by the *Director*.

1.5.4. Modification and Maintenance of Appendixes:

1.5.4.1. The Permittee shall keep the documents in the appendixes current and up to date and be able to demonstrate that an effort was made to achieve the purpose and objectives of the required document;

1.5.4.2. All modifications to the appendix documents shall show proof that it was submitted to the *Director* (e.g. DWQ Electronic Portal Confirmation, DWQ e-mail verification), and if required, it shall show that it was approved by the *Director* (e.g. adocument or letter signed by the *Director* indicating that the modification was approved);

1.5.4.3. Each Appendix shall maintain a record of the original document, each modification, and the date the modification was made, and if applicable, the date the *Director* approved the modification;

1.5.4.4. The *Director* may at any time make a written determination that all or a part of an appendix document or appendix documents are insufficient and do not comply with the Permit. If such a determination is made, the Permittee shall make modifications to the insufficient part(s) within 30 days or by an alternative timeframe approved by the *Director*.

2.0 Application Requirements

The Permittee shall submit an application and individual SWMP document at least **180** days before the expiration of this Permit according to Permit Part 6.3 Duty to Reapply.

2.1. Contents of the Application

The Application 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 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 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 shall be detailed enough for the *Director* 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. If the Permittee is relying on another entity(ies) to satisfy one or more of its Permit obligations, the Permittee shall include with the Application, a summary of thePermit obligations that will be carried out by the other entity(ies). During the term ofthe Permit, the Permittee may terminate or amend shared responsibility arrangements by notifying the *Director*, provided this does not alter implementation deadlines.

2.2.8. Certification and signature requirements in accordance with Part 6.8.

3.0 Special Conditions

3.1. Discharges to Water Quality Impaired Waters

3.1.1. Applicability: the Permittee shall:

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 https://wq.deq.utah.gov/. Water quality impaired waters means any segment of surface waters that has been identified by the *Director* as failing to support one or more of its designated uses. If the Permittee has any discharges to an impaired waterbody, the Permittee must comply with Part 3.1.2. and Part 3.2., if applicable, and if no discharges to impaired waterbodies exist, the remainder of this Part 3.1 does not apply.

3.1.1.2. If the Permittee has "303(d)" discharges described above, the Permittee shall also determine whether a Total Maximum Daily Load (TMDL) has been developed by the *Director* and approved by EPA for the listed waterbody. If there is an approved TMDL, the Permittee shall comply with all requirements associated with the TMDL (see Part 3.2.) in addition to the requirements of Part 3.1.2. If no TMDL has been approved, the Permittee shall comply with Part 3.1.2. and will be required to meet any TMDL requirements once it is developed and approved. TMDL requirements may be put into effect at any time during this Permit term.

3.1.2. If the Permittee discharges to an impaired waterbody, the Permittee shall include in its SWMP document a description of how the Permittee will control the discharge of the pollutants of concern. This description shall identify the measures and BMPs that will collectively control the discharge of the pollutants of concern. The measures must 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 *Director* will notify the Permittee of such violation(s). The Permittee shall 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 *Director*. If violations remain or re-occur, coverage under this Permit may be terminated by the *Director* and an alternative UPDES Permit may be issued. Compliance with this requirement does not preclude the State from taking an enforcement action as provided by the Utah Water Quality Act for the underlying violation.

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

3.2.1. The permittee discharges to waters listed on the Utah 303(d) list as impaired for *E.coli* for which storm water is a contributing source per the *Jordan River Watershed Wide E.coli TMDL.* The permittee must update their SWMP document within **180 days** to include a written plan (*TMDL Compliance Plan*) addressing the pollutant reduction requirements of the TMDL as it relates to MS4s. The *Jordan River E. coli TMDL MS4 Guidance Document* available on the division's website will provide supplemental

information to assist MS4s in compliance with the below Permit requirements.

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

3.2.2.1. Identify potential sources of *E. coli* in the MS4 and target specific audiences that may be contributing to the *E. coli* sources. Provide and document education and outreach given to the target audiences on the impacts to water quality associated with these types of discharges and BMPs that can be implemented to reduce the discharge of *E. coli*.

3.2.2.1.1. The Permittee can meet the requirements of permit part 3.2.2.1. through contribution to a collaborative program (e.g., storm water coalition) that evaluates, identifies, and targets sources, as well as, provides outreach that addresses *E. coli.*

3.2.2.2. The Permittee must maintain a written or mapped inventory of areas in the MS4 that are potential sources of *E. coli* (areas with septic, dense waterfowl areas, dog parks, etc.).

3.2.2.2.1. The Permittee must create a plan to prioritize reduction activities to address the areas and sources identified in the inventory. The plan must include BMPs the permittee will implement over the permit term (structural and non-structural).

3.2.2.2.2. The Permittee must add the inventoried areas to the priority areas identified in permit part 4.2.3.3.1. and begin inspecting the additional priority areas annually at a minimum and documenting the inspections on an inspection form.

3.2.2.2.3. The Permittee must add the inventoried areas to the priority areas identified in permit part 4.2.6.7.2. for street sweeping and storm sewer system maintenance and begin maintaining the areas at the same frequency. The Permittee's road and parking lot sweeping and storm drain system maintenance SOPs should identify all priority areas (including *E. coli* sources) and must include a schedule that includes priority area frequency.

3.2.2.3. The Permittee must evaluate their written inventory of potential "high priority" permittee owned and/or operated facilities (Permit Part 4.2.6.1.) and identify sites that have potential sources of *E. coli.* Permittees must add to their inventory any Permittee owned or operated dog parks, parks with open water, sites with septic, or properties that are known potential sources of *E. coli.* Sites that have been identified as potential sources of *E. coli* must have BMPs (structural or nonstructural) that reduce the potential of the discharge of *E. coli.*

3.2.2.4. The Permittee must evaluate the potential *E. coli* generating activities below to determine whether the permittees existing SOPs for Detention and Retention Basin, Hazardous Materials and Waste Management, Material Handling and Storage, Solid Waste Management, Spill Prevention and Control, and Sweeping & Vacuuming should target reduction of *E. coli* discharge. The permittee may also create additional SOPs for the reduction of *E. coli* discharge from the MS4. The potential *E. coli* generating activities to be evaluated are listed below:

- Surface cleaning and controlling litter

- Lake and lagoon maintenance
- Mowing/Trimming/Planting
- Inspection and Cleaning of Stormwater Conveyance Structures, Controlling Illicit Connections and Discharges, Controlling Illegal Dumping to storm water collection and conveyance structures
- Solid Waste Collection, Controlling Litter, Controlling Illegal Dumping of solid wastes
- Water line Maintenance, Sanitary Sewer Maintenance, Spill/Leak/Overflow Control, Response, and Containment.

3.2.2.5. The Permittee must promote the use of Low Impact Development (LID) controls for which *E. coli* (listed a bacteria) has a medium or high pollutant removal effectiveness, as identified in the *Guide to Low Impact Development within Utah, Appendix C* on the division's website: https://documents.deq.utah.gov/water-quality/stormwater/updes/DWQ-2019-000161.pdf.

3.2.2.6. The Permittee must add potential *E. coli* reduction as a criterion for ranking when evaluating the Permittees retrofit plan (Permit Part 4.2.6.9.).

3.2.2.7. The Permittee is required to monitor and analyze *E. coli* (No./100 mL) at their Wet-Weather Monitoring sites that discharge to the Jordan River and its tributaries in Permit Part 5.2.2.4.

3.2.3. The Permittee must report annually on their TMDL compliance by submitting the TMDL Compliance Report section within the annual report form on the Division's website. The first TMDL Compliance Report within the annual report will be due to the Division by October 1, 2024. The reporting will include identification of problem areas for which source control BMPs were developed, the cost, and the anticipated pollutant reduction.

3.3. Nitrogen and Phosphorus Reduction

3.3.1. As part of the Permittee's Storm Water Management Program (SWMP), the Permittee must specifically address the reduction of water quality impacts associated with nitrogen and phosphorus in discharges from the MS4.

3.3.1.1. The Permittee can meet the requirements of this permit part through contribution to a collaborative program (e.g., storm water coalitions) that evaluates, identifies, and

targets sources and provides outreach that addresses potential sources statewide or within a specific region or watershed.

3.3.1.2. The Permittee must identify and target potential sources (e.g., residential, industrial, agricultural, or commercial) that are contributing to, or have the potential to contribute, nitrogen and phosphorus to Waters of the State, where the Permittee is authorized under this Permit to discharge.

3.3.1.3. The Permittee must prioritize targeted sources that are likely to result in a reduction of nitrogen and phosphorus in discharges through education and outreach. 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 thatthe target source can take to reduce nitrogen and phosphorous. 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.

4.0 Storm Water Management Program

The Permittee is required to develop, implement, and enforce a storm water management program (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, Industrial High Risk Runoff, and Wet Weather Monitoring described in Parts 4.2, 4.3, and 5.2 of this Permit, as well as the requirements identified in Part 4.1.

4.1. Requirements

4.1.1. The Permittee shall submit a revised draft SWMP document to the *Director* within **180 days** of the effective date of this Permit, which includes at a minimum, the following information:

4.1.1.1. Permit number;

4.1.1.2. MS4 location description and map;

4.1.1.3. Description of any water quality concerns, priorities, and measurable goals specific to the Permittee that were considered in the development and/or revisions to the SWMP document;

4.1.1.4. 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 4.2.);

4.1.1.5. A description of any modifications to regulatory mechanisms or long-term/ongoing processes implemented in accordance with the previous UDOT MS4 Permit for each of the six minimum control measures;

4.1.1.6. A description of how the Permittee intends to meet the requirements of this 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.

4.1.2. The SWMP document shall indicate the person(s) responsible for implementing or coordinating the BMPs contained within the SWMP document.

4.1.3. The SWMP document shall include a narrative of the strategy and any necessary schedules required for wet weather monitoring and dry weather screening in Permit Part 5.2.

4.1.4. The SWMP document shall include the requirements for the Permittee's Industrial and High Risk Runoff Program (Part 4.3.).

4.1.5. The SWMP document shall include the certification and signature requirements in accordance with Part 6.8.

4.1.6. The SWMP shall be developed and implemented in accordance with the schedules contained in Part 4.0. of this Permit.

4.1.7. The Permittee must 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.

4.1.7.1. The Permittee must track the number of inspections performed, official enforcement responses/actions taken, and types of public education activities implemented as required for each SWMP component. This information shall be provided to the *Director* upon request and used by the *Director* to determine compliance with this Permit.

4.1.7.2. The Permittee must secure the resources necessary to meet all requirements of this Permit. The Permittee shall conduct an annual analysis of the capital and operation and maintenance expenditures needed, allocated, and spent as well as the necessary staff resources needed and allocated to meet the requirements of this Permit, including any development, implementation, and enforcement activities required.The Permittee shall submit a summary of its fiscal analysis with each annual report.

4.1.8. Within **180 days** of the effective date of the Permit, the Permittee shall revise the SWMP document to clearly identify the roles and responsibilities of all offices, departments, Directors, or sub-sections, and if necessary other responsible entities. It shall also 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 contained in Appendix I: *Responsible Entity Identification and Accountability*.

4.1.9. Failure to meet these requirements with a good faith effort and within the timeframes set forth may result in an enforcement action by the *Director*.

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 shall include

documented education and outreach efforts for the following four audiences: (1) general public (2) institutions, commercial and industrial facilities; (3) developers and contractors (construction); and (4) UDOT employees and contracted staff.

The minimum performance measures which must 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 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.

4.2.1.2. Provide and document education and outreach given to the general public on the Permittee's prohibitions against illicit discharges and improper disposal of waste and the impacts to water quality associated with these types of discharges. The Permittee shall at a minimum consider the following topics: 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; proper disposal of household hazardous waste; and proper management of pet waste. These topics are not inclusive and the Permittee shall focus on those topics most relevant to the community.

4.2.1.3. Provide and document education and outreach given to institutions and industrial and commercial facilities on an annual basis of the Permittee's prohibition against illicit discharges and improper disposal of waste and the impacts to water quality associated with these types of discharges. The Permittee shall at a minimum consider the following topics: 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). These topics are not inclusiveand the Permittee shall focus on those topics most relevant to the community. This education can also be a part of the Illicit Discharge Detection and Elimination minimum control measure detailed in Part 4.2.3. or the Industrial and High Risk Runoff measure detailed in Part 4.3.

4.2.1.4. Provide and document education and outreach given to engineers, construction contractors, developers, development review staff, and land use planners concerning the development of storm water pollution prevention plans (SWPPPs) and BMP use, to reduce adverse impacts from storm water runoff from development sites. 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 education and training given to employees or contracted staff of Permittee-owned or operated facilities concerning the Permittee's prohibition

against illicit discharges and improper disposal of waste and the impacts to water quality associated with these types of discharges. The Permittee shall 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 education and training given to MS4 engineers, development and plan review staff, land use planners, and other pertinent parties about LowImpact Development (LID) practices, green infrastructure practices, and 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 shall show evidence of targeted messages and audiences, as well as, demonstrate that the defined goal of the program has been achieved. The Permittee shall define the specific messages for each targeted audience. The Permittee must also identify methods that will be used to evaluate the effectiveness ofthe educational messages and the overall education program. Any methods used to evaluate the effectiveness of the education messages and overall effectiveness of the program. Any methods used to evaluate the effectiveness of the program shall be tiedto the defined goals of the program and the overall objective of changes in behavior and knowledge.

4.2.1.8. The Permittee shall 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

4.2.2.1. The Permittee shall revise as necessary and implement a program that complies with applicable State and Local public notice requirements. The SWMP shall include ongoing opportunities for public involvement and participation, but at a minimum two (2) times annually. The Permittee can meet this requirement through advisory panels, public hearings, watershed committees, stewardship programs, environmental activities, other volunteer opportunities, or other similar activities. The Permittee shall involve potentially affected stakeholder groups, which may include but are not limited to, regulated MS4s, commercial and industrial businesses, trade associations, environmental groups, homeowners associations, and education organizations.

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

4.2.2.3. The Permittee shall submit a revised draft SWMP document to the *Director* within **180 days** of the effective date of this Permit. A final version of the SWMP shall be submitted to the *Director,* as well as, posted on the Permittee's website.

4.2.2.4. A current version of the SWMP document shall remain available for public review and input for the life of the Permit. The Permittee shall post the latest version of the SWMP

within **180 days** from the effective date of the Permit on their website and shall clearly identify a specific contact person and provide the phone number and/or email address to allow the public to review and provide input for the life of the Permit.

4.2.3. Illicit Discharge Detection and Elimination (IDDE)

The Permittee shall revise (as necessary), implement, and enforce an Illicit Discharge and Elimination (IDDE) program to systematically find and eliminate sources of non-storm water discharges to the MS4 and to implement defined procedures to prevent illicit connections and discharges according to the minimum performance measures listed below. The IDDE program shall be described in writing, included in the 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 Waters of the State 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 a 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. The IDDE program must require removal of such discharges consistent with Part 4.2.3.6. of this Permit, and implement appropriate enforcement procedures and actions. The Permittee shall have a variety of enforcement options in order to apply and escalate enforcement procedures as necessary for the severity of violation and/or the failure of the violator to address the violation(s). 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. are exempt.

4.2.3.2.1 The IDDE program shall have adequate legal authority to detect, investigate, eliminate and enforce against non-storm water discharges, including illegal dumping, into the MS4. Adequate legal authority shall consist of an effective regulatory mechanism for the Permittee to implement actions needed to meet the requirements of the IDDE minimum control measure. The documented IDDE program that is included in the Permittee's SWMP shall include a reference or citation of the authority the Permittee will use to implement all aspects of the IDDE program.

4.2.3.3. Implement and prepare 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 with increased potential for 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; and
- Areas upstream of sensitive waterbodies.

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

4.2.3.3.2 Within **90 days** of the effective date of this Permit, UDOT must submit a 5-year priority area inspection plan to the *Director* for approval. The plan at a minimum must identify UDOTS process for identifying priority areas, UDOTs intended focus areas, and a minimum inspection commitment (number) for each year for eachregion. UDOT has flexibility in determining the different priorities within the different regions. Once approved, the plan will become a part of this permit. Changes to the inspection plan after initial approval must be requested and will require *Director* approval.

4.2.3.3.3. Dry weather screening (See Definition 7.0) activities must be conducted for the purpose of verifying outfall locations and detecting illicit discharges within the Permittee's jurisdiction that discharge to a receiving water. All "priority" outfalls (as determined by criteria listed in Permit Part 5.2) shall be inspected at least twice during the 5-year Permit term. Dry weather screening activities shall utilize an inspection form to document findings.

4.2.3.3.4. If, during the course of IDDE investigation, priority area inspection, or dry weather screening, or other instances, 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 *Director* within **30 days**.

4.2.3.4. Implement standard operating procedures (SOPs) or similar type of documents for tracing the source of an illicit discharge. The document should include procedures such as: 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 determiningsanctions or penalties, and/or other detailed inspection procedures.

4.2.3.5. Implement SOPs or similar types of documents for characterizing the nature of illicit discharges and the potential public or environmental threat posed by these discharges. The SOPs should apply to illicit discharges found by the Permittee 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 to contain 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 shall 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 shall 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.

4.2.3.6.1 Upon detection, the Permittee shall require immediate cessation of improper disposal practices pursuant to Part 4.2.3.2.1. of this Permit. Upon confirmation of responsible parties, the Permittee shall take all necessary actions in accordance with its enforcement procedures pursuant to Part 4.2.3.6. of this Permit.

4.2.3.6.2 Although the Permittee is required to prohibit illicit discharges within their boundaries and to take appropriate action to detect and address any violations, this Permit does not impose strict liability on the Permittee.

4.2.3.6.3 All IDDE investigations shall be thoroughly documented and may be requested at any time by the *Director*. All IDDE documentation shall be retained by the Permittee as required by the SWMP document.

4.2.3.7. The Permittee shall inform public employees, businesses, and the general public of hazards associated with illicit discharges and improper disposal of waste.

4.2.3.8. The Permittee shall promote or provide services for the collection of household hazardous waste.

4.2.3.9. The Permittee shall publicly list and promote 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 shall implement a written spill and improper disposal response SOP or a similar type of document, 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 incident response, even if it is a different entity other than the Permittee. The procedure shall include all applicable written agreements and be incorporated as part of the IDDE program and incorporated into the Permittee's SWMP document. The procedure shall be maintained and updated as changes occur.

4.2.3.10 The Permittee shall implement procedures for program evaluation and assessment which include maintaining a database for mapping, tracking of the number and type of spills or illicit discharges identified; and inspections conducted.

4.2.3.11 The Permittee shall at a minimum, ensure that all UDOT staff, contracted staff, or other responsible entities, 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 receives annual training about the IDDE program including identification, investigation, termination, cleanup, and reporting of illicit discharges including spills, improper disposal, and illicit connections. Office personnel who might receive initial reports of illicit discharges, should also receive the annual training. The Permittee shall require that all new hires are trained within 60 days of hire date and annually thereafter, at a minimum. Follow-up training shall be provided as needed to address changes in procedures, methods or staffing. 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 Director 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. The Director may require inclusion of the discharge in the Permittee's program, if water quality concerns cannot otherwise be reasonably satisfied.

4.2.4 Construction Site Storm Water Runoff Control

The Permittee shall revise (as necessary), implement, and enforce a Statewide 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. UDOT will utilize their MS4 Compliance Plan to address sites that are less than an acre which have the potential to discharge pollutants, but are not associated with maintenance activities. 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 contract provisions or other regulatorymechanisms that require the use of erosion and sediment control practices atconstruction sites. The regulatory mechanisms shall, at a minimum, be equivalent to the technical requirements set forth in the most current UPDES Storm Water GeneralPermits for Construction Activities, which can be found at: construction.stormwater.utah.gov. The regulatory mechanism shall include sanctions to ensure compliance. The regulatory mechanism shall apply, at a minimum, to construction projects disturbing greater than or equal to one acre and sites that qualify for UDOT's MS4 Compliance Plan. As necessary tocomply with the terms and conditions of this Permit, the Permittee must establishcommunication, coordination, cooperation and collaboration activities with localgovernment entities. This Permit does not preempt or supersede the authority of localagencies to prohibit, restrict, or control discharges to storm drain systems or otherwater courses within their jurisdiction.

4.2.4.1.1. The 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. This includes, 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: construction.stormwater.utah.gov.

4.2.4.1.2. Permittees shall require construction operators to obtain coverage under the current UPDES Storm Water General Permits for Construction Activities for the duration of the project. Coverage can be renewed; or obtained online by completing a NOI or renewal request at: https://deq.utah.gov/water-quality/updes-ereporting#construction.

4.2.4.1.3. The regulatory mechanism shall include a provision for access by UDOT 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 regulatory mechanism.

The enforcement strategy shall include:

4.2.4.2.1. Standard operating procedures (SOPs) or similar types of documents that include specific processes and sanctions to minimize the occurrence of violations and obtain compliance from violators. The SOP or similar document shall include appropriate, escalating enforcement procedures and actions, including an appeals process that is published in a publicly accessible location.

4.2.4.2.2. Documentation and tracking of all enforcement actions.

4.2.4.3 Development and implementation of a pre-construction SWPPP review checklist that is consistent with the requirements of the current UPDES Storm Water General Permits for Construction Activities. The Permittee is required to keep records for, at a minimum, all construction sites that disturb greater than or equal to one acre, to ensure plans are complete and in compliance with State regulations. The Permittee shall keep records of these projects for five years or until construction is completed, whichever is longer.

Prior to construction, the Permittee shall:

4.2.4.3.1. Conduct a pre-construction SWPPP review meeting 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, as well as, the Permittee's enforcement policy.

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. Incorporate into the SWPPP review procedures an evaluation of opportunities for use of low impact design (LID) and green infrastructure and where the opportunity exists, encourage such BMPs to be incorporated into the site design.

4.2.4.3.4. The Permittee must develop procedures for receiving and considering information and comments submitted by the public on proposed projects.

4.2.4.3.5. Permittee shall develop means to identify priority construction sites considering the following factors at a minimum:

- Soil erosion potential;
- Site slope;
- Project size and type;
- Sensitivity of receiving water bodies;
- Proximity to receiving water bodies; and,
- Non-storm water discharges and past record of non-compliance by the operators of the construction site.

4.2.4.4 The Permittee shall develop and implement SOPs or similar types of documents for construction site inspection and enforcement of construction storm water pollution control measures. The procedures shall clearly define who is responsible for site inspections as well as who has authority to implement enforcement procedures. If contracted outside of the MS4, an individual or entity who prepares a SWPPP for a construction project may not perform the construction site inspections required of Part 4.2.4.4.1 and 4.2.4.4.3 on behalf of the Permittee. 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 shall be written and documented in the SWMP.

The construction site storm water runoff control inspection program shall provide:

4.2.4.4.1. At a minimum, monthly inspections of all new construction sites with a land disturbance of greater than or equal to one acre. These inspections must be conducted by qualified personnel using the Construction Storm Water Inspection Form (Checklist) found on the Division's website at https://deq.utah.gov/water-quality/municipal-separate-storm-sewer-system-ms4s-permits-updes-permits.

A "qualified person" is a person knowledgeable in the principles and practice of erosion and sediment controls and pollutant prevention, who possesses the skills to assess conditions at effectiveness of any storm water controls selected and installed to meet the requirements of this permit, such as but not limited to the following:

- Utah Registered Storm Water Inspector (RSI)
- Certified Professional in Erosion and Sediment Control (CPESC)
- Certified Professional in Storm Water Quality (CPSWQ)
- Certified Erosion, Sediment, and Storm Water Inspector (CESSWI)
- Certified Inspector of Sediment and Erosion Control (CISEC)
- National Institute for Certification in Engineering Technologies, Erosion and Sediment Control, Level 3 (NICET)
- Certified Stormwater Inspector Construction (CSI-Construction)
- Qualified Compliance Inspector of Stormwater (QCIS)
- EPA NPDES Construction General Permit Inspector Training

4.2.4.4.2. The Permittee shall inspect all phases of construction: prior to land disturbance, during active construction, and following active construction. The Permittee must document the procedure for being notified by construction operators/owners of their completion of active construction in its SWMP. Notification is required for verification of the Notice of Termination, including 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 Permittee of priority construction sites defined in Part 7.0. must be conducted at least every two (2) weeks using a Construction Storm Water Inspection Form (Checklist) found on the Division's website at https://deq.utah.gov/water-quality/municipal-separate-storm-sewer-system-ms4s-permits-updes-permits.

4.2.4.4.4. Based on site inspection findings, the Permittee shall take necessary follow-up actions (i.e., re-inspection, enforcement) to ensure compliance in accordance with the permittee's enforcement strategy. These follow-up and enforcement actions shall be tracked and documented.

4.2.4.5 The Permittee shall ensure that all staff, contracted staff, and other responsibleentities, 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 Permittee or outside training can be attended. Such training must be extended to third-party inspectors and plan reviewers. The Permittee shall ensure that all new hires are trained within **60 days** of hire date, and annually thereafter, at a minimum. Follow-up training shall be provided as needed to address changes in procedures, methods or staffing. Training records must be kept and contain, at a minimum, dates, activities or course descriptions, and names and positions of staff in attendance.

4.2.4.6 The Permittee shall maintain records of all projects disturbing greater than or equal to one acre, including those less than an acre that qualify for UDOT's MS4 Compliance Plan. The Permittee shall keep records which include, but are not limited to, site plan reviews, SWPPPs, inspections and enforcement actions including any verbal warnings, stop work orders, warning letters, notices of violation, and other enforcement conducted. The Permittee shall keep records of these projects for five years or until construction is completed, whichever is longer.

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

The Permittee shall revise (as necessary), implement and enforce a program to address post-construction storm water runoff to the MS4 from private and public new development and redevelopment construction projects meeting the thresholds below. 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 maybe 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 Post-construction Controls. 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 have potential to be discharged from the site.

4.2.5.1.1. The Permittee's new development/redevelopment program should include non-structural BMPs. The Permittee should consider non-structural BMPs, including requirements and standards to minimize development in areas susceptible to erosion

and sediment loss; minimize the disturbance of native soils and vegetation; preserve areas that provide important water quality benefits; implement measures for flood control; and protect the integrity of natural resources and sensitive areas.

4.2.5.1.2. Retention Requirement. The Permittee must develop and define a 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** of the effective date of this permit, new development projects that disturb land greater than or equal to one acre must manage rainfall on-site and prevent the off-site discharge of the precipitation from all rainfall events less than or equal to the 80th percentile rainfall event or a predevelopment hydrologic condition, whichever is less. This objective must be accomplished by the use of structural BMPsor practices that are designed, constructed, and maintained to infiltrate, have evapotranspire, and/or harvest and reuse rainwater. The 80th percentile rainfall eventis the event whose precipitation total is greater than or equal to 80 percent of allstorm events over a given period of record.

Within **180-days** of the effective date of this permit, redevelopment projects that disturb greater than or equal to one acre must provide a site-specific and project-specific plan aimed at net gain to onsite retention or a reduction to impervious surface to provide similar water quality benefits. If a redevelopment project increasesthe impervious surface by greater than 10%, the project shall manage rainfall on-site and prevent the off-site discharge of the net increase in the volume associated with the precipitation from all rainfall events less than or equal to the 80th percentile rainfall event. This objective must be accomplished by the use of structural BMPs or practices that are designed, constructed, and maintained to infiltrate, have evapotranspire, and/or harvest and reuse rainwater.

4.2.5.1.3. Low Impact Development Approach. Within **180-days** of the effective date of this permit, the program shall include a process which ***requires*** the evaluation of a Low Impact Development (LID) approach for all projects subject to the requirements in 4.2.5.1.2. A LID approach promotes the implementation of BMPs that allow storm water to infiltrate, have evapotranspiration or harvest[1] and use storm water on site to reduce runoff from the site and protect water quality.

Guidance for implementing LID controls which are appropriate for use in the State of Utah can be found in *A Guide to Low Impact Development within Utah* (the Guide), available on DWQ's website.

Permittees must allow for use of a minimum of five LID practices from the list in Appendix C of the Guide. If a Permittee has not adopted specific LID practices from Appendix C, any LID approach that meets 4.2.5.1.2 and is feasible may be used to meet this requirement.

4.2.5.1.4. Feasibility. If meeting the retention standards described in Part 4.2.5.1.2 is infeasible, a rationale shall be provided for the use of alternative design criteria. The new or redevelopment project must document and quantify that infiltration, evapotranspiration, and rainwater harvesting have been used to the maximum extent

[1] 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:https://waterrights.utah.gov/forms/rainwater.asp.

feasible and that full employment of these controls are infeasible due to constraints. LID infeasibility may be due to one or more of the following conditions: high groundwater, drinking water source protection areas, soil conditions, slopes, accessibility, excessive costs, or any other justifiable constraint.

Guidance for assessing and documenting site conditions can be found in DWQ's "A Guide to Low Impact Development within Utah" Appendix B "Storm Water Quality Report Template" located on the DWQ website at: https://documents.deq.utah.gov/water-quality/stormwater/updes/DWQ-2019-000161.pdf.

A MS Word version can be found on DWQ's website at: https://documents.deq.utah.gov/water-quality/stormwater/DWQ-2018-013750.docx

4.2.5.2 Regulatory Mechanism. Develop and adopt contract provisions or another regulatory mechanism that requires long-term post-construction storm water controls at new development and redevelopment sites. The 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. The contract provisions 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. The Permittee shall implement an enforcement strategy and implement the enforcement provisions of the regulatory mechanism. The Permittee's regulatory mechanism must include an appeals process.

4.2.5.2.1. The Permittee must include enforcement provisions in the regulatory mechanism that must contain procedures for specific processes and sanctions to minimize the occurrences of violations and obtain compliance from chronic and recalcitrant violators. These processes and sanctions shall include appropriate, escalating enforcement procedures and actions.

4.2.5.2.2. The Permittee must maintain documentation on how the requirements of the contract provisions 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.

4.2.5.2.3. All Permittees shall adopt and implement SOPs or similar types of documents forsite 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

4.2.5.2.4. The regulatory mechanism shall include provisions for post-construction access for the Permittee to inspect storm water control measures on private properties that discharge to the MS4 to ensure that adequate maintenance is being performed. The ordinance or other regulatory mechanism may, 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 lieu of the Permittee. If the Permittee requires a maintenance agreement addressing maintenancerequirements for any control measures installed on site, the agreement must allow thePermittee 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.

4.2.5.2.5. 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.

4.2.5.2.6. Inspections and any necessary maintenance must be conducted at least every other year or as necessary to maintain functionality of the control by either the Permittee, or, if applicable, 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. Following an inspection, if there is an observed failure of a facility to perform as designed, the Permittee must document its findings in an inspection report.

The inspection report must include 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.

4.2.5.3 <u>Plan Review.</u> The Permittee shall:

4.2.5.3.1. Adopt and implement procedures for site plan review which evaluates potential water quality impacts. The procedures shall apply through the life of the project from conceptual design to project closeout.

4.2.5.3.2. Review post-construction plans for, at a minimum, all new development and redevelopment sites that disturb greater than or equal to one acre, 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 <u>Inventory</u>. 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. Thisinventory must include both public and private sector sites located within the Permittee's service area that were developed since the Permittee obtained coverageby this permit or the date that post-construction requirements came into effect, whichever is later.

4.2.5.4.1. Each entry to the inventory shall include basic information on each project, such as the project's name, owner's name and contact information, location, start/end date, etc. In addition, inventory entries shall 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).

4.2.5.4.2 Based on inspections conducted pursuant to Part 4.2.5.2.6., the Permittee shall update the inventory when changes occur in property ownership or the specific control measures implemented at the site.

4.2.5.4.3. The Permittee must develop and implement a process to assess the water quality impacts and the design of all new flood management structural controls that are associated with the Permittee or that discharge to the MS4. This process shall include consideration of controls that can be used to minimize the impacts to site water quality and hydrology while still meeting project objectives. A description of this process shall be included in the SWMP document.

4.2.5.4.3.1. Existing flood management structural controls shall be assessed to determine whether changes or additions should be made to improve water quality. A description of this process and any changes or additions made should be included in the SWMP document.

4.2.5.5. Training. Permittees shall ensure that all staff involved in post-construction storm water management, including those that conduct plan review, annual maintenance inspections, and enforcement, receive appropriate training. 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. Training records must be kept and include, at a minimum, dates, activities or course descriptions, and names and positions of staff in attendance. The Permittee shall ensure that all new hires are trained within 60 days of hire and annually thereafter, at a minimum. Follow-up training shall be provided as needed to address changes in procedures, methods, or staffing.

4.2.6 Pollution Prevention and Good Housekeeping for UDOT Facilities andOperations

The Permittee shall implement a program for Permittee-owned or operated facilities, operations, and structural storm water controls that includes standard operating procedures (SOPs) or similar types of documents, and a training component that have the ultimate goal of preventing or reducing runoff or pollutants to the MS4 and waters of the state. All components of the program shall be included in the SWMP document and shall identify the department 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 The Permittee shall develop and keep current a written inventory of all the below potential "high priority" facilities that are owned or operated by the Permittee and associated storm water controls, at a minimum. The Director maintains the authority to add additional facilities to the list, as needed.

The inventory shall include, but not limited to, the following facilities:

- Equipment storage and maintenance facilities;
- Fuel farms;
- Hazardous waste disposal facilities;
- Hazardous waste handling and transfer facilities;
- Landscape maintenance on UDOT property;
- Materials storage yards
- Pesticide storage facilities;
- Public buildings, including restrooms, and similar Permittee-owned or operated buildings;
- Public parking lots;
- Public works yards;
- Salt storage facilities and de-icing storage facilities;
- Snow disposal/storage areas;
- Brine making facilities;
- Solid waste handling and transfer facilities;
- Street repair and maintenance sites;
- Vehicle storage and maintenance yards;
- Chemical storage facilities; and
- Transportation hubs, including bus stations

4.2.6.2 The Permittee shall assess the written inventory of Permittee-owned or operated facilities, operations, and storm water controls identified in Part 4.2.6.1. and make a list of common pollutants that may originate from these facilities and how to prevent them from entering the storm water system. A description of the assessment process and findings 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:

- Pollutants stored at the site;
- Improperly stored materials;
- Potential pollutant-generating activities performed outside (e.g. changing automotive fluids);
- Close proximity to fresh water and water bodies, including but not limited, to streams, canals, rivers, ponds and lakes; and
- Potential to discharge pollutant(s) of concern to impaired water(s).

4.2.6.4 The Permittee shall provide water quality control measures and BMPs at all high-priority sites designed to target the specific pollutants generated onsite, and/or the pollutants associated with the impaired waters. The Permittee shall monitor the control measures and BMPs regularly to verify that the BMPs are functioning. Control measures, BMPs, and monitoring schedules shall be specified in the Permittee's SWMP.

4.2.6.5 The Permittee shall update the SWMP to include a list of "high priority" facilities according to 4.2.6.3 and prepare a Storm Water Pollution Prevention Plan (SWPPP) for each facility within **180 days** from the effective date of this permit. Each "high priority" facility shall implement a SWPPP outlining measures to prevent pollutants from entering the storm drain system from each of these facilities and contain an inspection schedule of the facility.

The SWPPP shall include a site map showing the following information:

- Facility Address;
- Staff/contact information for the facility;
- Property boundaries;
- Buildings and impervious surfaces;
- Directions of storm water flow (use arrows);
- Locations of structural control measures;
- Facility BMPs (non-structural);
- 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 on site activities may be exposed to storm water, including, but not limited to the following:
  - -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; and
- Locations of sources of run-on to your site from adjacent properties.

4.2.6.6 The following inspections shall be conducted at "high priority" Permittee-owned or operated facilities:

4.2.6.6.1 <u>Monthly visual inspections</u>: The Permittee must perform monthly visual inspections of "high priority" facilities and related storm water outfalls in accordance with the developed inspection SOPs to verify the performance of the BMPs and all other systems designed and placed to eliminate pollutant discharges. The monthly inspections must be tracked in a log for every facility and records must be accessible for review by UDOT staff and the *Director* upon request. The inspection log should include any identified deficiencies and the corrective actions taken to fix the deficiencies, as well as photo documentation of site inspections.

4.2.6.6.2 Semi-Annual comprehensive inspections: At least twice per year, 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 semi-annual inspection results shall be documented and records must be accessible for review by UDOT staff and the *Director* upon request. This inspection shall be done in accordance with the developed inspection SOPs. An inspection report must also include any identified deficiencies and the corrective actions taken to remedy the deficiencies, as well as photo documentation of site inspections.

4.2.6.6.3 Annual visual observation of storm water discharges: At least once per year, the Permittee must visually observe the quality of the storm water discharges from the "high priority" facilities. Any observed problems (e.g., color, foam, sheen, turbidity) that can be associated with pollutant sources or controls must be remedied as soon as practicable, but at a minimum, before the next storm event. Remediation is required to prevent discharge to the storm drain system. Visual observations shall be documented and must be accessible for review by UDOT staff and the *Director* upon request. This inspection must be done in accordance with the developed inspection SOPs. The inspection report must also include any identified deficiencies and the corrective actions taken to remedy the deficiencies, as well as photo documentation of site inspections.

4.2.6.7. Permittees shall develop and implement SOPs to protect water quality at each of the facilities owned or operated by the Permittee and/or activities conducted by the Permittee including, but not limited to, those listed below:

- Buildings and facilities;
- Material storage areas;
- Heavy equipment storage areas and maintenance areas;
- Right-of-way and open space (including wetland mitigation sites);
- Vehicle and Equipment;
- Roads, highways, and parking lots; and
- Storm water collection and conveyance system.

4.2.6.7.1 SOPs shall address the following practices to ensure they are protective of water quality:

- Use, storage and disposal of chemicals;
- Storage of salt, sand, gravel, landscaping materials, asphalt and other materials;
- Waste and trash management;
- Cleaning, washing, painting and maintenance activities including: cleaning of maintenance equipment, building exteriors, and trash containers;
- Sweeping roads and parking lots;
- Proper application, storage, and disposal of fertilizer, pesticides, and herbicides and minimizing their use;
- Lawn maintenance and landscaping activities including: proper disposal of lawn clipping and vegetation;
- Green waste deposited in the street;
- Proper disposal of pet wastes;
- Vehicle maintenance and repair activities including: use of drip pans and

absorbents under or around leaky vehicles and equipment;

- Vehicle/equipment storage including storing indoors where feasible;
- Vehicle fueling including placing fueling areas under cover in order to minimize exposure where feasible;
- Road and parking lot maintenance, including: pothole repair, pavement marking, sealing, and repaving;
- Cold weather operations, including: plowing, sanding, application of deicing compounds, and maintenance of snow disposal areas;
- Right-of-way maintenance, including: mowing, herbicide and pesticideapplication;
- UDOT-sponsored events such as large outdoor festivals, parades, or street fairs and the clean-up following these events;
- Regular inspection, cleaning, and repair of storm water conveyance and structural storm water controls;
- Graffiti removal; and
- Any activities or operations not listed above that would reasonably be expected to discharge contaminated runoff;

4.2.6.7.2 SOPs must include a schedule for Permittee owned road and parking lot sweeping and storm drain system maintenance. The SOPs must include regular inspection, cleaning, and repair of catch basins, storm water conveyance pipes, ditches and irrigation canals, culverts, structural storm water controls, and structural runoff treatment and/or flow control facilities. Permittees must prioritize sweeping and storm sewer system maintenance, with the highest priority areas being maintained at the greatest frequency. Priorities should be driven by water quality concerns, most recent assessment of the receiving water, the amount and type of material thattypically accumulates in an area, or other location-specific factors.

4.2.6.7.3 Permittees must ensure and document proper disposal methods of all waste and wastewater removed during cleaning and maintenance of the storm water conveyance system. These disposal methods apply to, but are not limited to, street sweeping and catch basin cleaning. The Permittee shall develop and maintain SOP(s) on disposal methods, which shall be approved by the *Director.* The materials removed from the MS4 should be dewatered in a contained area and discharged to the local sanitary sewer (with approval of local authorities) where feasible. The SOP(s) should identify BMPs to minimize pollutant discharges during maintenance and cleaning operations to the maximum extent practicable. 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. The solid material shall be stored and disposed of in accordance with federal, state and local laws.

4.2.6.7.4 Permittees must ensure that vehicle, equipment, and other wash waters are not discharged to the MS4 or waters of the state as these types of discharges are strictly prohibited under this Permit. Additionally, the Permittee must minimize discharges to waters of the state that are associated with snow disposal and melt.

4.2.6.7.5 The Permittee shall develop a spill prevention plan in coordination with the local fire department.

4.2.6.7.6 All Permittees must maintain and update (as necessary) an inventory of all floor drains inside all “high priority” Permittee-owned or operated buildings and ensure that all

floor drains discharge to appropriate locations. The inventory shall be updated as necessary to ensure accuracy. The Permittee must inventory and map the floor drains in all Permittee-owned or operated buildings by the end of this permit term (5 years).

4.2.6.8 The Permittee shall be responsible for ensuring, through contractually-required documentation and/or periodic site visits that contractors performing Operation and Maintenance (O&M) activities for the Permittee are using appropriate storm water controls and following the SOPs, storm water control measures, and good housekeeping practices of the Permittee.

4.2.6.9 The Permittee must develop a plan to retrofit existing developed sites that the Permittee owns or operates 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 retrofit sites based on the following criteria:

- Proximity to waterbody;
- Current assessment of waterbody with the goal to improve impaired waterbodies and protect unimpaired waterbodies;
- Hydrologic condition of the receiving waterbody;
- Proximity to sensitive ecosystem or protected area; and
- Any sites that could be further enhanced by retrofitting storm water controls.

4.2.6.10 The Permittee shall require that all employees, contracted staff, and other responsible entities that have primary operation, or maintenance job functions that are likely to impact storm water quality receive annual training. The annual training shall address the importance of protecting water quality, the requirements of this Permit, O&M requirements, inspection procedures, ways prevent or minimize impacts to water quality by how they perform their job activities SOPs and SWPPPs for the various Permittee-owned or operated facilities, as well as, procedures for reporting water quality concerns, including potential illicit discharges. Training records must be kept and contain, at a minimum, dates, activities or course descriptions, and names and positions of staff in attendance. The Permittee shall document and maintain records of the training provided and the staff in attendance. The Permittees must ensure that all new hires are trained within **60 days** of hire and annually thereafter, at a minimum. Follow-up training shall be provided as needed to address changes in procedures, methods, or staffing.

4.3. Industrial and High Risk Runoff

The Permittee shall implement a program to promote proper management of industrial sites that directly connect to UDOT right-of-way regarding storm water quality and industrial best management practices. The Permittee shall provide education and outreach on pollutants in storm water discharges to the MS4 and Waters of the State from industrial facilities that the Permittee determines are contributing or have the potential to contribute a substantial pollutant loading to the Permittee's storm sewer system.

4.3.1. The program shall provide education and outreach to promote proper management of potential pollutants in storm water discharges from industrial facilities that directly connect to UDOT right-of-way. Industrial Sites as defined at 40 CFR 122.26(b)(14), include the following three categories:

- Industrial Facilities subject to the Multi Sector General Permit or individual UPDES permit;
- Facilities subject to Title III of the Superfund Amendments and Reauthorization Act (SARA); and
- Hazardous waste treatment, disposal, storage, and recovery facilities

4.3.1.1. The Permittee shall provide written notification to the Director should the Permittee identify storm water runoff concerns associated with an industrial facility connected to the UDOT right-of-way that is negatively impacting water quality. The notification must include the location of the impact and must be provided to the Director within 15 days of discovery.

4.3.2. The Permittee shall ensure that all staff whose primary job duties are implementing the industrial storm water program are trained annually, at a minimum, to conduct education and outreach. All new hires must be trained within **60 days** upon hire. The training shall cover what is required under this permit in terms of storm water control measures, the requirements of the Multi-Sector General Permit for Discharges Associated with Industrial Activities or other related requirements, and enforcement procedures. The Permittee shall document and maintain records of the trainingprovided and the staff in attendance.

4.3.3. The Permittee shall develop and implement SOPs for identifying existing industrial connections and adding new industrial facility connections to their storm water system.

4.3.3.1. The Permittee shall inventory and map existing and new industrial connections.

4.4. Sharing Responsibility

4.4.1. 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:

4.4.2. The other entity, in fact, implements the control measure;

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

4.4.4. The other entity agrees to implement the control measure through a written agreement. This obligation shall be maintained as part of the description given in thePermittee's SWMP document. If the other entity agrees to report on the minimum control measure, the Permittee shall supply the other entity with the reporting requirements contained in Part 5.4. of this Permit. If the other entity fails to implement the control measure, then the Permittee remains liable for any discharges due to due to any failure to implement the control measure;

4.4.5. The Permittee conducts training of the responsible entity on the Permit requirements and applicable standard operating procedures.

4.5. Reviewing and Updating Storm Water Management Programs (SWMP)

4.5.1. *Storm Water Management Program Review:* The Permittee shall conduct, at a minimum, an annual review of the SWMP document in conjunction with preparation of the annual report required in Part 5.5.

4.5.2. *Storm Water Management Program Update:* A Permittee may change the SWMP document during the life of the Permit in accordance with the following procedures:

4.5.2.1. Changes adding components, controls, or requirements to the SWMP document may be made at any time upon written notification to the *Director*. Changes that reduce or replace any component, control, or requirement of the SWMP document are not authorized, unless it meets requirements outlined in Part 4.5.2.2.

4.5.2.2. 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 *Director*.

An analysis shall include:

4.5.2.2.1 An explanation of why the BMP is ineffective or infeasible,

4.5.2.2.2 Expectations or report on the effectiveness of the replacement BMP, and

4.5.2.2.3 An analysis of why the replacement BMP is expected to achieve the goals of the BMP to be replaced, or has achieved those goals.

4.5.3. Change requests or notifications shall be made in writing and signed in accordance with Part 6.8.

4.5.4. Change requests or notifications will receive confirmation and approval or denial in writing from the *Director*.

4.5.5. Storm Water Management Program Updates required by the *Director:* The *Director* may require changes to the SWMP as needed to:

4.5.5.1. Address impacts on receiving water quality caused, or contributed to, by discharges from the MS4;

4.5.5.2. Include more stringent requirements necessary to comply with new Federal regulatory requirements; or

4.5.5.3. Include such other conditions deemed necessary by the *Director* to comply with the goals and requirements of the Clean Water Act.

5.0 Narrative Standard, Monitoring, Recordkeeping and Reporting

5.1. Narrative Standard

It 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. General Monitoring and Sampling Requirements

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

5.2.1.1. Assess storm water impacts to in-stream water quality, hydrology, geomorphology, habitat, and biology;

5.2.1.2. Provide data to estimate annual cumulative pollutant loadings from the MS4;

5.2.1.3. Estimate event mean concentrations and pollutants in discharges from outfalls;

5.2.1.4. Identify and prioritize portions of the MS4 requiring additional controls, and;

5.2.1.5. Identify water quality improvements or degradation.

5.2.2. The Permittee shall monitor representative outfalls and/or in stream monitoring locations to characterize the quality of storm water discharges from the MS4.

5.2.2.1. The minimum wet weather monitoring to be conducted each year shall be a planned wet weather monitoring frequency of twice a year (spring and fall, subject to the occurrence of appropriate storm events). Wet weather monitoring events for each discharge shall be separated by at least 45 days. If the Permittee is not able to accomplish the planned monitoring frequency the Permittee shall submit detailed reasons and weather data showing why it was not possible to the *Director.*

5.2.2.2. The Permittee may modify the sampling plan and submit the modified plan for approval by the *Director*. All modifications to the sampling plan shall be approved by the *Director*.

5.2.2.3. Each of the following parameters shall be monitored and analyzed for roadway runoff:

Biochemical Oxygen Demand (BOD_5) (mg/L)
Total Suspended Solids (TSS) (mg/L)
Total Dissolved Solids (TDS) (mg/L)
Total Nitrogen (mg/L)
Dissolved Nitrogen (mg/L)
Total Kjeldahl Nitrogen (TKN) (mg/L)
Total Phosphorus (mg/L)
Dissolved Phosphorus (mg/L)
Total Cadmium (ug/L)
Total Copper (ug/L)
Total Lead (ug/L)
Total Zinc (ug/L)
Total Selenium (ug/L)
Total Mercury (ug/L)
pH (S.U.)
Total Hardness (Calc.)
Oil and Grease (Report Visual Y/N)
E. coli (No./100 mL)[2]

For facilities other than roadways, the Permittee may propose an alternative analytical parameters list based on a review of pollutant sources at the facility.

5.2.2.4. The Permittee shall select at least 4 monitoring locations in a minimum of 2 of 4 of UDOT Regions. The Permittee's existing monitoring location shall continue to be sampled until a revised sampling plan including new or alternative locations has been approved by the *Director*. At a minimum, 25% of the outfalls sampled shall be from **each** of the following:

- roadway maintenance facility location determined by the Permittee to be representative of pollutant sources and expected loading from the facility;
- roadway runoff location to establish baseline storm water runoff and discharge data; and
- roadway runoff location with control measures to evaluate the effectiveness of such measures at treating storm water runoff.

[2] *E. coli* sampling is only required for Monitoring sites that discharge to the Jordan River and its tributaries. If a sample cannot be analyzed because of holding time constraints, this must be noted on the sampling summary sheet for that event

5.2.2.5. Alternate representative outfall/ sampling locations may be substituted for just cause during the term of the Permit. Alternate wet weather monitoring locations may not be used until approved by the *Director.*

5.2.2.6. Sample Type, Collection, and Analysis:

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

5.2.2.6.2 Data shall be reported for both a grab sample during the first 30 minutes of the discharge and a flow weighted composite sample of the entire event or, at a minimum, the first three hours of discharge (if the collection of a grab sample during the first thirty minutes is impracticable, a grab sample can be taken during the first hour of the discharge, and the discharger shall submit with the monitoring report a description of why a grab sample during the first thirty minutes was impracticable). Grab samples only must be collected and analyzed for the determination of pH, cyanide, oil and grease, and volatile organics (if the Permittee chooses).

5.2.2.6.3 All such samples shall be collected from the discharge resulting from a storm event that is greater than 0.2 inches of precipitation within a three hour period that occurs at least 72 hours from the previously measurable (greater than 0.1 inch rainfall) storm event. Composite samples may be taken with a continuous sampler or as a combination of a minimum of three sample aliquots taken in each hour of discharge for the entire discharge or for the first three hours of the discharge, with each aliquot being separated by a minimum period of fifteen minutes.

5.2.2.6.4. Analysis and collection of samples shall be done in accordance with the methods specified at 40 CFR Part 136. Where an approved Part 136 method does not exist, any available method may be used.

5.2.2.7. *Storm Event Data:* Quantitative data shall be collected to estimate pollutant loadings and event mean concentrations for each parameter sampled. In addition to the parameters listed in *Part III.B.1.a.*, the Permittee shall maintain records of the date and duration (in hours) of the storm event(s) sampled; rainfall measurements or estimates (in inches) of the storm event which generated the sampled runoff; the duration between the storm event sampled and the end of the previous measurable (greater than 0.2 inch rainfall) storm event; and an estimate of the total volume (in gallons) of the discharge sampled.

5.2.2.8. *Sampling Waiver:* When a discharger is unable to collect samples due to adverse climatic conditions, the discharger must submit in lieu of sampling data a description of why samples could not be collected, including available documentation of climatic conditions causing the missed sampling. Adverse climatic conditions which may prohibit the collection of samples includes weather conditions that create dangerous conditions for personnel (such as local flooding, high winds, hurricane, tornadoes, electrical storms, etc.) or otherwise make the collection of a sample impracticable (drought, extended frozen conditions, etc.).

5.2.3. *Dry Weather Screening:* The Permittee shall continue its dry weather screening efforts to detect the presence of illicit connections and improper discharges to the MS4. All "priority" outfalls (as described in Part 5.2.4.1) of the MS4 must be screened at least twice during the Permit term.

5.2.3.1. The Permittee must target "priority" outfalls for dry weather screening. The "priority" outfalls should be based on the following criteria:

- Any outfall within a 1-mile radius of any UDOT maintenance facility or any outfall that has a known direct connection to a UDOT facility;
- Any outfall that discharges into a waterbody with a TMDL, WLA, or other established pollutant limit; and
- Any outfall identified as flowing or ponded in previous dry weather screening that was <u>not</u> traced back to groundwater, natural water, or an agricultural source.

5.2.3.2. The Permittee must have a mechanism to identify and add "priority" outfalls to their list, as needed. Any added outfalls will be subject to the screening procedures and schedule outline in Permit Part 4.2.3 and 5.2.4.

5.2.4.4. Screening methodology may be developed and/or modified based on experiencegained during actual field screening activities and need not conform to the protocol at40 CFR 122.26(d)(1)(iv)(D).

5.3. Record keeping

5.3.1. The Permittee shall keep all supplementary documents associated with this Permit (e.g., Storm Water Management Program (SWMP) document, SWMP Implementation Schedule, wet weather monitoring plan) current and up to date to ensure the purpose and objectives of the required document are achieved.

5.3.2. All modifications to supplementary documents shall be submitted to the *Director* in accordance with Parts 4.5. and 6.8.

5.3.3. The *Director* may at any time make a written determination that parts or all of the supplementary documents are not in compliance with this Permit. If such a determination is made the Permittee must make modifications to these parts within a time frame specified by the *Director*.

5.3.4. 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 5 years. This period may be explicitly modified by alternative provisions of thisPermit or extended by request of the *Director* at any time.

5.3.5. The Permittee shall make records, including the Application and the SWMP document, available to the public if requested.

5.4. Reporting

5.4.1. The Permittee shall submit an annual report to the *Director* by October 1 for the reporting period of July 1 to June 30 of each year of the permit term.

5.4.2. The report may be submitted using the report form provided on the Division'swebsite or one that the Permittee has designed to meet their needs, as long as it contains the minimum information in the provided form.

5.4.2.1. A summary of a minimum of five years of wet weather monitoring and inclusion of identified trends and conclusions (This timeframe considers the previous Permit conditions and reporting requirements, some of the data was required by the previous Permit term).

5.4.3. The Permittee shall sign and certify the annual report in accordance with Part 6.8.

5.4.4. Signed copies of the Annual Report and all other reports required herein, must be submitted directly to the DWQ electronic document system at: https://deq.utah.gov/water-quality/water-quality-electronic-submissions.

5.5. Legal Authority

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

5.5.1. Control the contribution of pollutants to the MS4 by storm water discharges associated with industrial activity and the quality of storm water discharged from sites of industrial activity (including construction activity);

5.5.2. Effectively prohibit illicit discharges through ordinance, or other regulatory mechanism, into the MS4 and shall be able to implement appropriate enforcement procedures and actions;

5.5.3. Control the discharge of spills and the dumping or disposal of materials other than storm water into the MS4;

5.5.4. Control through interagency agreements among other municipalities the contribution of pollutants from one portion of the MS4 to another;

5.5.5. Require compliance with conditions in ordinances, permits, contract or orders; and

5.5.6. Conduct all inspection, surveillance and monitoring activities and procedures necessary to determine compliance with conditions in this Permit.

6.0 Standard Permit Conditions

6.1. Duty to Comply

The Permittee shall comply with all conditions of this Permit. Any Permit noncompliance constitutes a violation of the *Act* and is grounds for enforcement action; for Permit termination, revocation and reissuance, or modification; or for denial of a Permit renewal application. The Permittee shall give advance notice to the *Director* 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 must 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 *Director*, within a time specified by the *Director*, any information which the *Director* may request to determine whether cause exists for modifying, revoking and reissuing, or terminating this Permit, or to determine compliance with this Permit.

The Permittee shall also furnish to the *Director*, upon request, copies of records required to be kept by this Permit.

6.7. Other Information

When the Permittee becomes aware that it failed to submit any relevant facts in a Permitapplication; submitted incorrect information in a Permit application or any report to the *Director;* 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 *Director* shall be signed by a person described above or by a duly authorized representative of that person. A person is a duly authorized representative only if:

6.8.2.1. The authorization is made in writing by a person described above and submitted to the *Director*, 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.* shall be submitted to the *Director* 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 *Director* may require the Permittee authorized by this Permit to obtain another *UPDES* Permit. The *Division* may require the Permittee authorized to discharge under this Permit to apply for another *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 *Director*, 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 necessaryto 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 *Director* 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 shall 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 *Director* 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 locatedor conducted or where records shall be kept under the conditions of this Permit;

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

6.20.3. Inspect at reasonable times any facilities or equipment (including monitoring and control equipment); and

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, ora 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 the State".

7.0 Definitions

Definitions related to this Permit and MS4 permitting.

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. "Permittee" means the Utah Department of Transportation (UDOT).

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. "Developed site" means a parcel or property that was previously in commercial, industrial, institutional, governmental, or residential use. A parcel that was previously in an agricultural use would not be considered to be a developed site.

7.10. "Director" means the director of the Utah Division of Water Quality, otherwise known as the Executive Secretary 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 non-storm water discharges provided for in Permit Part 1.2.2.2.

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

7.23. “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.

7.24. “Low Impact Development” (LID) is approach to land development with the goal of mimicking or replicating the pre-project hydrologic regime through the use of design techniques to create a functionally equivalent hydrologic site design. Hydrologic functions of storage, infiltration and ground water recharge, as well as the volume and frequency of discharges are maintained through the use of integrated and distributed micro-scale storm water retention and detention areas, reduction of impervious surfaces, and the lengthening of runoff flow paths and flow time. Other strategies include the preservation/protection of environmentally sensitive site features such as riparian buffers, wetlands, vegetated landscaping, flood plains and highly permeable soils.

7.25. "MS4" is an acronym for "municipal separate storm sewer system".

7.26. “MS4 Compliance Plan” is a project document used on UDOT construction projects that disturb less than 1 acre of ground and are not maintenance activities. The purpose of the MS4 Compliance Plan is to ensure that all projects that have under an acre of earth disturbance include

Best Management Practices (BMPs) to prevent the discharge of pollutants associated with construction activities from the UDOT right-of-way and any staging or storage areas**.**

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 the1990 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 (MS4)" means a conveyance or system of conveyances (including roads with drainage systems, municipal streets, catch basins, curbs, gutters, ditches, man-made channels, or storm drains) pursuant to paragraphs R317-8-1.6(4), (7), & (14), or designated under UAC R317-8-3.9(1)(a)5:

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

7.31. "NOI" is an acronym for "Notice of Intent" to be covered by a Permit and is the mechanism used to "register" for coverage under a UPDES Construction 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 7.41.).

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 acrossthe 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.

- 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 procedures which is a set of written instructions that document a routine or repetitive activity. For the purpose of this Permit, SOPs must emphasize pollution control measures to protect water quality.

7.43. "Storm water" means storm water runoff, snowmelt runoff, and surface runoff and drainage.

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

7.45. “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.

7.46. “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.

7.47. “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” R317-1-1.32).

7.48. "UAC" is an acronym for Utah Administrative Code