PARK CITY STORMWATER MANAGEMENT PROGRAM

Originally Prepared: 2003
MS4 Inclusion Revision: June 2016
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1.0. ACRONYMS

BMP – Best Management Practices

CWA – Clean Water Act

EPA – Environmental Protection Agency

IDDE – Illicit Discharge Detection and Elimination

MCM – Minimum Control Measure

MEP – Maximum Extent Practicable

MS4 – Municipal Separate Storm Sewer System

NOI – Notice of Intent

NPDES – National Pollutant Discharge Elimination System

O&M – Operations and Maintenance

SOP – Standard Operating Procedures

SWMP – Stormwater Management Plan

SWPPP – Stormwater Pollution Prevention Plan

TMDL – Total Maximum Daily Load

UPDES – Utah Pollutant Discharge Elimination System

2.0. KEY PERSONS

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3.0. INTRODUCTION

Park City is located on the Wasatch back, on the south end of Summit County and east of Salt Lake City. Historically Park City started in 1860s as a mining town for silver and other minerals. Fires, worker strikes, dropping mineral prices, explosions, heavy snows and mine shaft collapses have shaped the story of this historic mining town. Mining ceased in 1982, when it became unprofitable. In the 1930s skiing began in the area and increased in popularity as mining dropped off. With the announcement of the 2002 Winter Olympics in 1995, and the popularity of the Sundance Film Festival, Park City has flourished as a mountain and ski resort community.

The city is located in the upper elevations of the Wasatch Mountain range. The population is approximately 7,500, but more than doubles during periods of winter. Elevations in the city generally range between 6,600 feet and 9,400 feet above mean sea level, with most of the city at 7,600. A portion of the city drains to the east through Silver Creek to Echo Reservoir and to the Weber River. The eastern portion of the City drains to McLeod Creek toward East Canyon Creek and reservoir and ultimately to the Weber River in the Morgan area. The Weber River finally drains into the Great Salt Lake.

The Park City stormwater system consists of curb and gutters, inlet boxes, piping, a few typical open channel sections, swales and canals. Most stormwater facilities drain through piping to the creeks mentioned above. There are a few detention basins that exist within the system. Many of the streets use curb and gutter to collect stormwater runoff with the remaining using swales or ditches. The city is served by a sanitary sewer system that is treated by the Snyderville Basin Water Reclamation District. There are some existing septic tank systems in the city, but all new developments are required to connect to the public sanitary sewer system.

4.0. COVERAGE UNDER THIS PERMIT

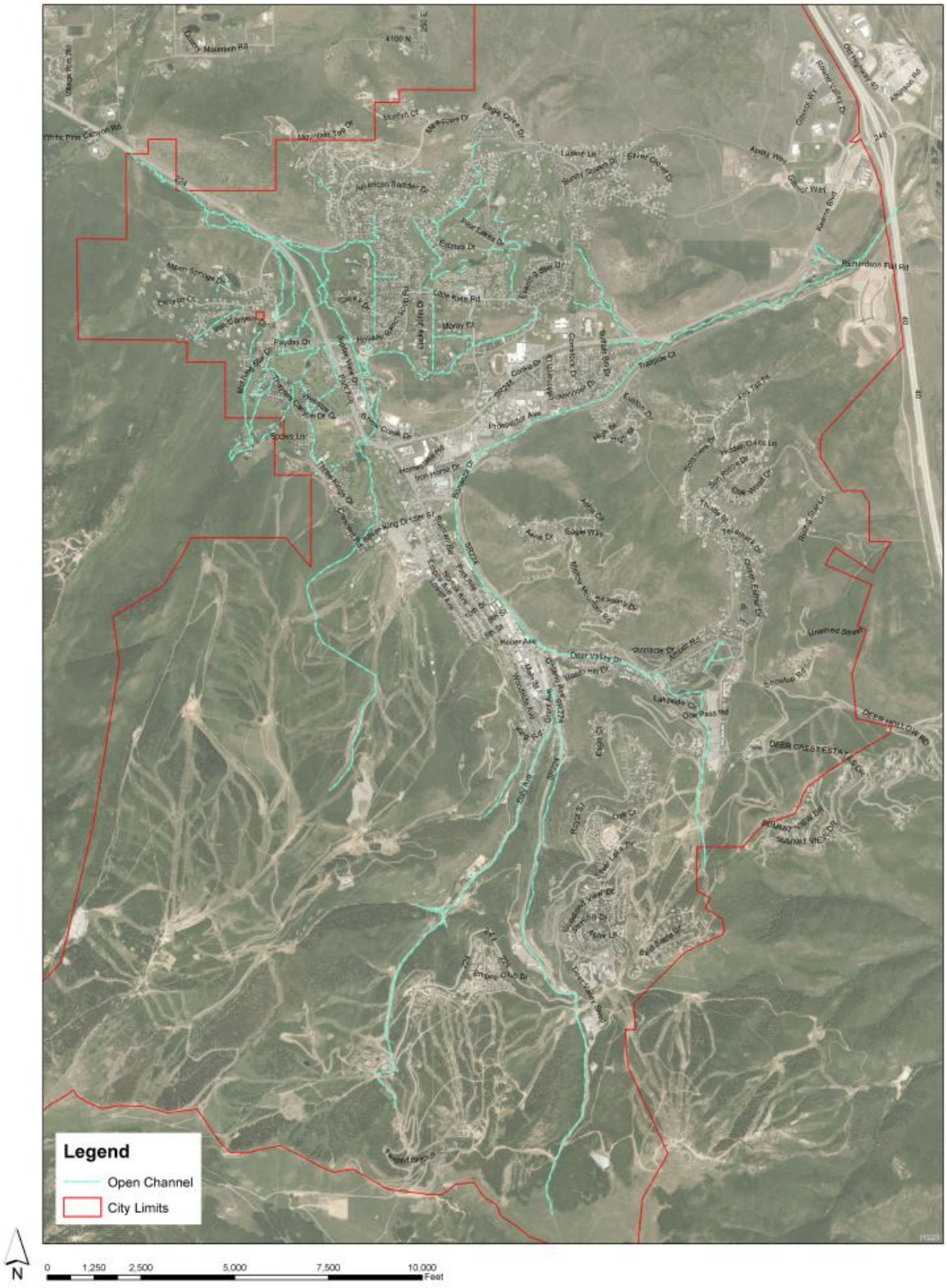
Polluted stormwater runoff is often transported to municipal separate storm sewer systems (MS4s) and ultimately discharged into local rivers and streams without treatment. EPA's Stormwater Phase II Rule establishes an MS4 stormwater management program that is intended to improve the Nation's waterways by reducing the quantity of pollutants that are introduced into storm sewer systems during storm events. Common pollutants include oil and grease from roadways, roadway salts and deicing materials, pesticides and fertilizers from lawns, pet waste, sediment from construction sites, and carelessly discarded trash, such as cigarette butts, paper wrappers, and plastic bottles. When deposited into nearby waterways through MS4 discharges, these pollutants can impair the waterways, thereby discouraging use of the resource, contaminating water supplies, and interfering with the habitat for fish, other aquatic organisms, and wildlife.

In 1990, EPA promulgated rules establishing Phase I of the National Pollutant Discharge Elimination System (NPDES) stormwater program. The Phase I program for

MS4s requires operators of “medium” and “large” MS4s, that is, those that generally serve populations of 100,000 or greater, to implement a stormwater management program as a means to control polluted discharges from these MS4s. The Stormwater Phase II Rule extends coverage of the NPDES stormwater program to certain “small” MS4s but takes a slightly different approach to how the stormwater management program is developed and implemented. Park City was permitted as a Small MS4 in 2016.

In the State of Utah, the EPA has granted primacy to the State of Utah to oversee and manage the stormwater program. The State has adopted the Utah Pollutant Discharge Elimination System (UPDES) for that purpose. Park City has prepared this Stormwater Management Program (SWMP) to meet the requirements of the UPDES Stormwater Discharge Permit for Small MS4s.

5.0. MS4 LOCATION DESCRIPTION AND MAP



6.0. PERMIT APPLICATION AND NOTICE OF INTENT

Phase II Rule entails the development of a stormwater management program by requiring a Notice of Intent (NOI) be submitted to the NPDES permitting authority. The Notice of Intent becomes the permit application.

7.0. LOCAL WATER QUALITY CONCERNS

The water quality within Park City has a history of contamination. East Canyon Creek is impaired for Dissolved Oxygen and Total Phosphorus. Silver Creek is impaired for Dissolved Zinc and Cadmium listed in the Total Maximum Daily Load (TMDL) for the creek. Both of these are from mine tailing from mining operations in the area decades ago. With the history of mining in the area some locations have been contaminated with mine tailings and their associated chemicals.

8.0. WATER QUALITY

This SWMP has been developed to meet the requirements set forth in the UPDES UTR090000 permit and consists of the six minimum control measures established by the EPA for Phase II stormwater discharges as addressed in the following sections. Implementation of these control measures are expected to result in reductions of pollutants discharged into receiving waters including sediments, trash, pathogens, fertilizers/nutrients, hydrocarbons, metals, pesticides, acid and base products, road salts and increased stream flow. These pollutants can negatively impact the environment as described in the following table.

Pollutant	Source	Impacts
Sediment	Construction sites, vehicle/boat washing, agricultural sites, erosion	Destruction of aquatic habitat for fish and plants, transportation of attached oils, nutrients and other chemical contamination, increased flooding. Sediment can transport other pollutants that are attached to it including nutrients, trace metals, and hydrocarbons. Sediment is the primary component of total suspended solids (TSS), a common water quality analytical parameter.
Nutrients (Phosphorus, Nitrogen, Potassium, Ammonia)	Fertilizers from agricultural operations, lawns and gardens; livestock and pet waste, decaying vegetation, sewer overflows and leaks	Harmful algal blooms, reduced oxygen in the water, changes in water chemistry and pH. Nutrients can result in excessive or accelerated growth of vegetation, resulting in impaired use of water in lakes and other receiving waters.

Hydrocarbons (Petroleum Products, Benzene, Toluene, Ethyl Benzene, Xylene)	Vehicle and equipment fluid leaks, engine emissions, pesticides, equipment cleaning, leaking fuel storage containers, fuel spills, parking lot runoff	These pollutants are toxic to humans and wildlife at very low levels. Carcinogenic. Teratogenic.
Heavy Metals	Vehicle brake and equipment wear, engine emissions, parking lot runoff, batteries, paint and wood preservatives, fuels and fuel additives, pesticides, cleaning agents	Metals including lead, zinc, cadmium, copper, chromium and nickel are commonly found in stormwater. Metals are of concern because they are toxic to all life at very low levels. Carcinogenic. Teratogenic.
Toxic Chemicals (Chlorides)	Pesticides, herbicides, dioxins, PCB's, industrial chemical spills and leaks, deicers, solvents	Chemicals are of concern because they are toxic to all life at very low levels. Carcinogenic. Teratogenic.
Debris/Litter/Trash	Improper solid waste storage and disposal, abandoned equipment, litter	Aesthetically unpleasant. Risk of decay product toxicity. Risk of aquatic animal entrapment or ingestion and death.
Pathogens (Bacteria)	Livestock, human and pet waste, sewer overflows and leaks, septic systems	Human health risks due to disease and toxic contamination of aquatic life.

Control measures for these pollutants will include Standard Operating Procedures (SOPs) and Best Management Practices (BMPs) necessary for proper stormwater management. The BMPs and SOPs include specific tasks to meet the objective of each particular control measure. The BMPs and SOPs included in this SWMP will be implemented and reviewed throughout the permit term. This SWMP is intended to be a living document with BMPs added or deleted as new BMPs arise or are found to be ineffective. Schedules for implementing the BMPs are provided along with each minimum control measure in the MCM tables.

9.0. STORMWATER MANAGEMENT PLAN (SWMP)

General Information

This document contains a description of the community-specific Stormwater Management Program for Park City. The Program includes the following;

1. Public Education and Outreach on Stormwater Impacts
2. Public Involvement/Participation
3. Illicit Discharge Detection and Elimination (IDDE)
4. Construction Site Stormwater Runoff Control

5. Long-Term Stormwater Management in New Development and Redevelopment (Post-Construction Stormwater Management)

6. Pollution Prevention and Good Housekeeping for Municipal Operations

- Measurable goals for each minimum control measure (i.e., narrative or numeric standards used to gauge program effectiveness);

- Estimated months and years in which actions to implement each measure will be undertaken, including interim milestones and frequency; and

- The person or persons responsible for implementing or coordinating the stormwater program.

  This document also contains the following information and documentation in its appendices (additional appendix information available upon request):

  - Appendix A – Supplemental Guide to Stormwater Management for Contractors and Developers

  - Appendix B – Supplemental Guide to Stormwater Management for Public Utilities Departments

  - Appendix C – Standard Operating Procedures, Documentation and Elements of the Illicit Discharge Detection and Elimination program

  - Appendix D – General program documentation including inspection forms, enforcement logs, training logs, annual reports, maintenance records, observation reports, and other general documentation

  - Appendix E – Copies of the most current city ordinances applicable to stormwater

  - Appendix F – Copies of Current State permits and documents regulating the Park City stormwater program

  - Appendix G – System maps and inventories

Permit Requirements

The chosen measurable goals, submitted in the Notice of Intent as a permit application, become the required stormwater management program; however, the NPDES permitting authority can require changes in the mix of chosen BMPs and measurable goals if all or some of them are found to be inconsistent with the provisions of the

Phase II Final Rule. Likewise, the permittee can change its mix of BMPs if it determines that the program is not as effective as it could be.

Reports

The permit requires that the City review the SWMP annually, report on our activities and make any updates that might be required. The annual reports should use the form provided by the State. Generally, the annual report should include the following information:

- The status of compliance with permit conditions, including an assessment of the appropriateness of the selected BMPs and progress toward achieving the selected measurable goals for each minimum measure;
- Results of any information collected and analyzed, including monitoring data if any;
- A summary of the stormwater activities planned for the next reporting cycle;
- A change in any identified BMP or measurable goals for any minimum measure; and
- Notice of relying on another governmental entity to satisfy some of the permit obligations (if applicable).

Record Keeping

Records required by the State must be kept for at least 5 years and made accessible to the public at reasonable times during regular business hours. Records need not be submitted to the State unless the Permittee is requested to do so.

Deadlines

The following deadlines are recognized as part of the program:

Date	Description
February 28, 2021	Post Construction program implemented
June 1, 2020	Construction program implemented
January 1, 2019	IDDE program implemented

Penalties

The NPDES permit that the operator of a regulated small MS4 is required to obtain is federally enforceable, thus subjecting the Permittee to potential enforcement actions and penalties by the NPDES permitting authority if the permittee does not fully comply with application or permit requirements. This federal enforceability also includes the right for interested parties to sue under citizen suit provision (section 405) of CWA.

Ongoing Documentation Process

The SWMP itself has been organized to make it more of a working document with multiple appendices to help the City in record keeping and documenting our activities. Much of the documentation is or will be included in Appendix D. The documentation is available upon request. As part of this update, the existing BMPs and measureable goals have been reviewed and assessed for their effectiveness and contribution in helping to achieve the desired results.

This SWMP includes many forms and reports to help in the documentation efforts. Report forms, logs, evaluation forms and backup information is spread throughout the applicable appendices.

10.0. MINIMUM CONTROL MEASURES

10.1. Public Education and Outreach on Stormwater Impacts

Permit Requirements

The permit requirements for Public Education and Outreach on Stormwater Impacts can be found in Section 4.2.1 of the permit. A copy of the permit is included in Appendix F for reference. The permit outlines in general the following requirements:

- The MS4 shall promote behavior change by the public to reduce water quality impacts associated with pollutants in stormwater runoff and illicit discharges. This is a multimedia approach targeted to specific audiences. The four audiences are: (1) residents, (2) businesses, institutions, and commercial facilities, (3) developers and contractors (construction), and (4) MS4 industrial facilities.
- The MS4 shall identify target pollutants and pollutant sources and their potential impacts relating to stormwater quality.
- The MS4 shall provide and document information given to the four focus audiences.
- The MS4 shall provide documentation or rationale as to why particular BMPs were chosen for its public education and outreach program.

Summary of Existing Efforts

Park City has a website that is located at https://www.parkcity.org/. This website includes a stormwater division page that includes both general and specific information. The stormwater division page is located under Public Utilities.

Park City, in cooperation with Recycle Utah and other entities, participates annually in a Water Festival to educate elementary school students on items related to water quality. Park City provides a model that illustrates how different types of pollution affect our water ways. Park City also collaborates with Summit County and other entities to put on other events and information out to the public in order to educate residents and businesses on stormwater management.

Park City has developed and printed brochures for distribution and inserts for utility bills related to construction, dog waste, food services, landscaping, and vehicles and their potential impacts on Stormwater.

Park City requires its employees to attend annual training in order to inform specific City personnel on the relevant MCM requirements for individual departments. These trainings are provided and logged to ensure permit compliance.

Plan and Implementation Measures

In order to help meet the goals and objectives of this SWMP Park City has chosen to adopt the following BMPs. Each BMP is cross referenced alphabetically by code in the indicated appendix to a fact sheet that describes the BMP, its applicability, its limitations, and its effectiveness. Only those BMPs listed below will be utilized by Park City as part of their SWMP at the present time.

BMP	Code	Appendix
Classroom Education on Stormwater	CESW	B
Educational Materials	EM	B
Employee Training	ET	B
Public Education/ Participation	PEP	B
Using Media	UM	B

Goals

In order to more fully realize the benefits of the BMPs the city has set measurable goals. The goals set along with the existing efforts fulfill the requirements of the Final Stormwater Phase II Rule for Education and Outreach. These goals are listed in Table 1 (MCM 1 Measurable Goals).

Table 1

MCM 4.2.1 Public Education and Outreach

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

MCM	Target			Desired Result	Measurable Goal	Milestone Date	Associated BMPs	Measure of Success (Effectiveness)
	Pollutant(s)	Audience(s)	City Responsibility					
1	Selected pollutants	Residents and Businesses	Stormwater Ops	4.2.1. Implement a public education and outreach program to educate audiences (residents, institutions, industrial/commercial facilities, developers, and MS4 owned facility staff) about impacts from stormwater discharge	Run KPCW radio ads for several weeks, occasionally.	Ongoing, starting 2017	PEP and UM	Ads continue to run: 2017 and 2019, and preparations for 2021
1	Selected pollutants	Businesses	Stormwater Ops	"	Training presentation to local restaurants	Training annually, starting 2021	EM	Training occurs annually with assistance/approval from Main Street Business Alliance
1	Selected pollutants	General Public	Stormwater Ops	4.2.1.1 Target specific pollutants and provide information on potential impacts, and methods for avoiding/minimizing/reducing/eliminating impacts of stormwater discharge, and provide information on actions individuals can take to improve water quality (encourage participation in local stweardship activities)	Update website regulartly with current information.	Ongoing, starting 2017	PEP and UM	Website updated regularly with storm water information for the public, including any opportunities for the public to participate in environmental activities in Summit County.
1	Selected pollutants	Residents (4th graders)	Stormwater Ops/Sustainability	"	Support and participate in Summit County annual water festival.	Annually and ongoing, starting 2017	PEP and CESW	Festival occurs annually (4/27/2017, 4/26/2018, 4/25/2019, not held in 2020 due to COVID-19).
1	Selected pollutants	General Public	Stormwater Ops/Streets	"	Participate in the Summit County Stormwater Coilition to collaborate on more community outreach events.	Ongoing, monthly Starting in winter 2021	PEP/WO	Attend monthly meetings and actively participate in organization of outreach events. Events and outreach logged in Appendix D
1	All pollutants	General Public, Restaurants	Stormwater Ops/Streets	"	Install No dumping storm drain markers on high risk storm drains (main st area)	Fall 2021	PEP and SDSS	Design, order, and install storm drain markers.

Table 1

MCM 4.2.1 Public Education and Outreach

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

MCM	Target			Desired Result	Measurable Goal	Milestone Date	Associated BMPs	Measure of Success (Effectiveness)
	Pollutant(s)	Audience(s)	City Responsibility					
1	See list in "desired result" column	General Public	Stormwater Ops	4.2.1.2 Information is provided to target audience on prohibitions against illicit discharges and improper disposal of waste including: maintenance of septic systems; effects of outdoor activities, such as lawn care; benefits of on-site infiltration of stormwater; effects of automotive work and car washing on water quality; proper disposal of swimming pool water; and proper management of pet wastes.	Include information on the website and include information in utility bills with ongoing insert	Ongoing, starting 2017	PEP and UM	Information is current on website and included in utility bills. First Insert 5/1/2017 Second 3/1/2018 Third 3/1/2021
1	See list in "desired result" column	Institutions, Industrial and Commercial Facilities	Stormwater Ops/ Water	4.2.1.3 Information is provided to target audience on prohibitions against illicit discharges and improper disposal of waste including: Proper lawn maintenance Benefits of appropriate on-site infiltration of stormwater Building and equipment maintenance Use of salt or other deicing materials Proper storage of materials Proper management of waste materials and dumpsters Proper management of parking lot surfaces.	Include information on the website and produce and distribute a brochure that is targeted to Institutions, Industrial and Commercial Facilities anually.	1/1/2018 Complete	PEP and UM	Information is current on website and included and brochures are distributed. Website 3/27/2017 Brochures physical handouts 4/13/2017, re-stocked as needed. (Documented in Appendix D folder)
1	"	"	Stormwater Ops	"	Provide informational training to the Main Street Business Alliance on storm water (no dumping, preventing spills, storm water education, etc) at Business Alliance meetings	Annually, starting 2021.	PEP	Training occurs annually

Table 1

MCM 4.2.1 Public Education and Outreach

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

MCM	Target			Desired Result	Measurable Goal	Milestone Date	Associated BMPs	Measure of Success (Effectiveness)
	Pollutant(s)	Audience(s)	City Responsibility					
1	"	"	Stormwater Ops	"	Provide residents, businesses, and HOAs with salt usage educational materials to reduce the impact of salts used.	Annually in the fall, starting 2021.	PEP	Educational materials developed and distributed annually.
1	Illicit discharge and waste	Engineers, Construction Contractors, Developers, and plan review staff	Stormwater Ops	4.2.1.4 Provide education and outreach to engineers, contractors, developers, etc on SWPPs, BMPs, and reduce impacts of stormwater from development sites.	Have information for contractors to review at pre-construction meetings, document their attendace of meetings and review of materials. Inform contractors of SWPP and CDX/NOI trainings that are available.	Starting 2017, Ongoing	EM	Pre-construction meetings are documented, and trainings are distributed to contractors as they become available. Informational materials are distributed to contractors at pre-con meetings on how to track SWPP inspections.
1	Illicit discharge and waste	Employees	Stormwater Ops	4.2.1.5 Information is provided to target audience on prohibitions against illicit discharges and improper disposal of waste including: Equipment inspection to ensure timely maintenance Benefits of appropriate on-site infiltration of stormwater Minimization of use of salt or other deicing materials Proper storage of industrial materials Proper management of waste materials and dumpsters Proper management of parking lot surfaces.	Have city employee training annually on illicit discharges with documentation.	Annually, starting 2021.	ET	Training occurs annually
1	All pollutants	Permittee engineers, development and plan review staff, land use planners	Stormwater Ops	4.2.1.6 Training on LID, Green Infrastructure, and post construction BMPs	Require an annual meeting with all engineers, development and plan review staff, and land use planners to review the city's LID goals. Discuss what has been done in the past year to meet the goals, and define the upcoming year's goals.	Annually, starting 2022.	ET	Annual meeting occurs

Table 1

MCM 4.2.1 Public Education and Outreach

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

MCM	Target			Desired Result	Measurable Goal	Milestone Date	Associated BMPs	Measure of Success (Effectiveness)
	Pollutant(s)	Audience(s)	City Responsibility					
1	All pollutants	All Audiences	Stormwater Ops	4.2.1.7 Evaluate the effectiveness of the public education program by a defined method.	Develop a survey In collaboration with Summit County to post at public areas (QR code format).	Ongoing	PEP	Baseline survey conducted 12/2016. QR code surveys established in 2021 and data is collected and evaluated.
1	All pollutants	All Audiences	Stormwater Ops	4.2.1.8 Document why certain BMPs were chosen for public education program (over others)	Include an explanation in the SWMP.	Jan 1, 2019	BMPIM	Documented rationale included in the SWMP.

10.2. PUBLIC INVOLVEMENT / PARTICIPATION

Permit Requirements

The permit requirements for Public Participation and Involvement on Stormwater Impacts can be found in Section 4.2.2 of the permit. A copy of the permit is included in Appendix F for reference. The permit outlines in general the following requirements:

1. Comply with applicable State, and local public notice requirements to involve interest groups and stakeholders for their input on the SWMP.

2. Make available to the public a current version of the SWMP document for review and input for the life of the permit. This should be posted on the City's website.

Summary of Existing Efforts

Used Oil Recycling
Summit County Health Department accepts used oils and tires which can be brought for recycling.

Waste Collection
Twice a year in the spring and fall Recycle Utah conducts a Household Hazardous Waste Event and a green waste cleanup. There are locations in which residents can bring their household & hazardous wastes items for free recycling.

Service Groups
There are local scout and church groups that have participated in street cleanup and litter reduction.

Summit County Stormwater Coalition
Park City collaborates with Summit County and other local entities to organize public participation events involving stormwater and other sustainable practices.

SWMP Public Input Policy
A current version of the SWMP document is on the Park City website located under Public Utilities, Stormwater Division. It is available for review and input for the life of the permit. Public comments are taken anytime of the year through online comment or e-mail. When a permit update is made, the SWMP is updated accordingly, and a staff communications report is released to allow the public to provide comments on a draft SWMP. After 1 week the SWMP will be updated based on public input and re-posted on the Park City website.

Plan and Implementation Measures

In order to help meet the goals and objectives of this SWMP Park City has chosen to adopt the following BMPs for use within our city as applicable. Each BMP is cross referenced alphabetically by code to a fact sheet that describes the BMP, its applicability, its limitations, and its effectiveness in the indicated appendix.

BMP	Code	Appendix
Public Education/ Participation	PEP	B

Goals

In order to more fully realize the benefits of the BMPs the city has set measurable goals. The goals set along with the existing efforts fulfill the requirements of the Final Stormwater Phase II Rule for Public Involvement and Participation. These goals are listed in Table 2 (MCM 2 Measurable Goals).

Table 2

MCM 4.2.2 Public Involvement and Participation

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

MCM	Target		Desired Result	Measurable Goal	Milestone Date	Associated BMPs	Measure of Success (Effectiveness)
	Pollutant(s)	Audience(s)					
2	All pollutants	General public					
2	All pollutants	General public	4.2.2 Include two (2) opportunities for public involvement/participation in the SWMP	Ensure 2 or more consitent opportunities are available to the public annually. Work with Summit County Stormwater Coalitionand East Canyon Creek Committee to organize	Ongoing/Annual	PEP	SWMP includes regular opportunities. Additional opportunities are posted through social media and other communication outlets.
2	All pollutants	General public	4.2.2.1 Have a program or policy in place that allows for the public to provide input of SWMP updates	Nofify the public on the website through a staff communications report meeting State public noticing requirements when the SWMP update will be reviewed.	Annually	PEP	The program or policy is in place, Started 7/1/2017, Public Notice 5/15/18 Public Notice
2	All pollutants	General public	4.2.2.2 Have SWMP document available for public review before it's submitted to the state within 180 days from effective permit date	Have a hard copy of the draft of the permit available on the website for one week for review before sending submittal.	Ongoing	PEP	SWMP document is available for public review a week before public hearing Complete 7/1/2016 Complete 7/1/2017 Complete 5/1/2018 Complete 7/15/2021
2	All pollutants	General public	4.2.2.3 Have SWMP document available to the public at all times	Post the SWMP on the website, and post updated SWMP when updates are made.	Ongoing	PEP	SWMP is updated and posted on the website, Started 7/1/17, and re-posted when updated.
2	All pollutants	General public	"	Comment box and contact information available on Stormwater page where SWMP is posted	Complete	PEP	Contact information is posted and comment box is available.

10.3. ILLICIT DISCHARGE DETECTION AND ELIMINATION

Permit Requirements

The permit requirements for Illicit Discharge Detection and Elimination on Stormwater Impacts can be found in Section 4.2.3 of the permit. A copy of the permit is included in Appendix F for reference. The permit outlines in general the following requirements:

1. Maintain a storm sewer system map of the MS4, showing the location of all outfalls and the names and location of all State waters that receive discharges from those outfalls.

2. Through an ordinance, or other regulatory mechanism, a prohibition (to the extent allowable under State, or local law) on non-stormwater discharges into the MS4, and appropriate enforcement procedures and actions.

3. Develop and implement a plan to detect and address non-stormwater discharges, including spills, illicit connections, and illegal dumping to the MS4.

4. Develop and implement standard operating procedures (SOPs) for:

    a. tracing the source of an illicit discharge.
    b. characterizing the nature of, and the potential public or environmental threat posed by, any illicit discharges found or reported.
    c. ceasing the illicit discharge, including notification of appropriate authorities, property owners, and technical assistance for removing the source and follow-up inspections.

5. Inform public employees, businesses, and the general public about the hazards associated with illegal discharges and improper disposal of waste.

6. Promote or provide services for the collection of household hazardous waste.

7. Publicly list and publicize a hotline or other local number for public reporting of spills and other illicit discharges.

8. Develop a written spill/dumping response procedure, and a flowchart for internal use, including various responsible agencies and their contacts.

9. Adopt and implement procedures for program evaluation and assessment.

10. Train employees, at a minimum, annually on the IDDE program.

Summary of Existing Efforts

City Ordinances
The City has an ordinance prohibiting illicit discharges, illicit connections, describes enforcement authority and penalties.

Illicit Spills
Currently, reports of spills are handled by the Fire Department, or County Health Department. The Park City Streets/Stormwater Departments are also involved in spill response.

Illicit Connections
The City has not generally experienced problems with individuals or businesses illicitly connecting their sanitary waste water piping to storm drains. More-common types of illicit discharges include spills from highway accidents, concrete truck wash out water, residential yard waste and debris being washed into the gutters, and general litter and debris (floatables) originating from retail businesses and the general public.

Mapping
The city has a fairly comprehensive, storm drain map showing the storm drain system and its points of discharge. A copy of this map is included in Appendix G.

Publicized Hotline
The Park City website contains a telephone hotline number and information on how to report a stormwater related issue (leaks, construction site issues, etc.) as well as a link to Summit County for landfill information and Recycle Utah for their Household Hazardous Waste events that take place twice per year.

Plan and Implementation Measures

In order to help meet the goals and objectives of this SWMP Park City has chosen to adopt the following BMPs for use within our city as applicable. Each BMP is cross referenced alphabetically by code to a fact sheet that describes the BMP, its applicability, its limitations, and its effectiveness in the indicated appendix.

BMP	Code	Appendix
Community Hotline	CH	B,C
Employee Training	ET	B,C
Hazardous Waste Management	HWM	B,C
Illegal Dumping Control	IDC	B,C
Identify Illicit Connections	IIC	B,C
Illegal Solids Dumping Controls	ISDC	B,C

Map Stormwater Drains	MSWD	B,C
Non-Stormwater Discharge to Drains	NSWD	B,C
Ordinance Development	OD	B,C
Public Education/ Participation	PEP	B,C
Used Oil Recycling	UOR	B,C

Goals

In order to more fully realize the benefits of the BMPs the city has set measurable goals. The goals were set along with the existing efforts fulfill the requirements of the Final Stormwater Phase II Rule for Illicit Discharge Detection and Elimination. These goals are listed in Table 3 (MCM 3 Measurable Goals).

Table 3

MCM 4.2.3 Illicit Discharge Detection and Elimination (IDDE)

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

MCM	Target		City Responsibility	Desired Result	Measurable Goal	Milestone Date	Associated BMPs	Measure of Success (Effectiveness)
	Pollutant(s)	Audience(s)						
3	All Pollutants	Contractors, Developers, City Council	City Engineer	4.2.3 Enforcement ability for stormwater rules	Create a stormwater ordinance and incorporate into municipal code	April 1, 2018, complete 2/1/2018	OD	If ordinance is in place and meets the permit requirements
3	N/A	Public Works	City Engineer/PU Engineer	4.2.3.1 Maintain Stormwater Map	update storm drain system map with all new developments in GIS	December 31, 2018	MSWD	If map is up to date with all new developments
3	N/A	Public Works	Water Resources / Stormwater Ops.	4.2.3.1 Maintain Stormwater Map	Update current storm drain information to identify city outfalls in iWORQ	Complete	MSWD	Map is updated to identify oufalls for UDOT, Irrigation, City, Private, Naturals Streams
3	All Pollutants	All Audiences	City Engineer/Stormwater Ops./Water Resources/Code Enforcement	4.2.3.2 Effectively prohibit, through ordinance or other regulatory mechanism, non-SW discharges. The IDDE program must have adequate legal authority to detect, investigate, eliminate and enforce against non-SW discharges.	Create a work order to perform required outfall inspections each year	Jan 1, 2018	NSWD	If work order has been issued
3	"	"	"	"	Complete first work order for screening	July 1 of each year	NSWD	Successful if completed by that date and staff is following SOP
3	All Pollutants	All Audiences	Stormwater Ops.	4.2.3.2.1 Program must have adequate legal authority to detect, investigate, eliminate, and enforce against non-stormwater discharges into the MS4.	Create a stormwater ordinance and incorporate into municipal code.	Complete	OD	If ordinance is in place and meets the permit requirements
3	All Pollutants	Public Works	Stormwater Ops.	4.2.3.3 Implement a written plan to detect and address IDDE	Create SOPs outlining detection and enforcement	Complete	SOP	If SOPs are complete
3	All Pollutants	Public Works	Stormwater Ops.	4.2.3.3.1 Written systematic procedures for locating and listing specific priority areas likely to have illicit discharge.	Create list of priority areas	Complete	IDC, IIC	If list is complete and updated regularly. Quinns Treatment Plant and Public Works are determined as "High Priority"
3	"	"	"	4.2.3.3.2 Field inspections of areas which are considered a priority shall be achieved by inspecting each priority area annually	Conduct field inspections of IDDE priority areas annually	December 31, 2018	NSWD	Successful if reports are completed and filed
3	All Pollutants	Public Works	Stormwater Ops.	4.2.3.3.3 Conduct dry weather screening on all outfalls that discharge the Permittees jurisdiction to a water body once during 5 year permit term	Conduct field inspections on all outfalls at least once every 5 years	Complete	NSWD	Sucessful if inspections are completed and filed. (All are inspected every year)

Table 3

MCM 4.2.3 Illicit Discharge Detection and Elimination (IDDE)

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

MCM	Target		City Responsibility	Desired Result	Measurable Goal	Milestone Date	Associated BMPs	Measure of Success (Effectiveness)
	Pollutant(s)	Audience(s)						
3	All Pollutants	All Audiences	Water Resources	4.2.3.4 Develop and implement standard operating procedures for tracing the source of illicit discharge	Review and update existing SOP, provide training of flow charts	December 31, 2018	IIC	Successful if SOP is in place and training has been completed
3	All Pollutants	All Audiences	Water Resources	4.2.3.5.1 Record illicit discharge in an inspection report with specified requirements	Create inspection form that meets requirements and utilize for all illicit discharge spills	Complete	IDC	If form is complete and utilized for IDDE
3	All Pollutants	All Audiences	Water Resources	4.2.3.5 Develop and implement standard operating procedures for characterizing the nature of any illicit discharges found or reported to the Permittee by the hotline developed in 4.2.3.9	Create the Incidence Response Flow Chart and train personnel	December 31, 2018	IIC, CH	Successful if completed by that date and staff is following Flow Chart. Flow Chart located : I:\Stormwater\IDDE & Spills\Spill Response
3	"	"	"	"	Add hot line number to website	Jan 1, 2018, Complete 1/1/18	IIC, CH	Listed on website
3	"	"	Water Resources / Stormwater Ops.	"	Review flow chart and SOP with staff and provide training annually.	Ongoing	IIC	Successful if training is completed annually for all staff involved in incident reporting.
3	"	"	Water Resources / Stormwater Ops.	4.2.3.5.1 Create and utilize an inspection report for Illicit Discharges	Inspection form created and utilized for spills	Complete and Ongoing	IDC	Successful if existing form is used for illicit discharges
3	All Pollutants	All Audiences	Water Resources	4.2.3.6 Implement SOPs for ceasing the illicit discharge. All IDDE investigations must be thoroughly documented and may be requested at any time by the Division.	Create the Incidence Response Flow Chart and train personnel	December 31, 2018	IDC, ISDC	Sucessful if SOPs implimented and followed. SOPs located I:\Stormwater\Management Plan\MCM 6 P2-GH\SOPs\Master SOP
3	All Pollutants	All Audiences	Water Resources	4.2.3.6.1 Permittee shall require immediate cessation of improper disposal practices	Ordinance created for public, and SOPs/flow charts developed for response	Complete	SOP	Ordinance 13-3-1 (Illicit Discharge) implemented, and SOPs implemented and followed.
3	All Pollutants	All Audiences	Water Resources	4.2.3.6.2 This permit does not impose strict liability on the Permittee	Use SOPs/BMPs to detect all possible illicit discharges	Complete	SOP	Train employees and have SOPs in place.
3	All Pollutants	Public Works	Water Resources / Stormwater Ops.	4.2.3.6.3 All IDDE reports must be retained and available for request by the Director	Store IDDE Reports on Park City system	Complete	IDC	Located here: I:\Stormwater\IDDE & Spills\Spill Documentation
1	All Pollutants	Public Employees, Businesses and Residents	Water Resources	4.2.3.7 Inform public employees, businesses, and general public of hazards associated with illicit discharges and improper disposal of waste	See MCM 1		PEP, ET	See MCM 1

Table 3

MCM 4.2.3 Illicit Discharge Detection and Elimination (IDDE)

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

MCM	Target		City Responsibility	Desired Result	Measurable Goal	Milestone Date	Associated BMPs	Measure of Success (Effectiveness)
	Pollutant(s)	Audience(s)						
3	All Pollutants	Public Employees, Businesses and Residents	Water Resources / Stormwater Ops.	"	Reach out to PCSs (Potential Sources of contaminants) annually through Groundwater Source Protection plan to educate residents, employees, and businesses, specifically targeting Nitrogen and Phosphorous contamination, as well as fertilizers and pesticides.	Complete	ET	Send letters our Annually. Located here: I:\Water Quality & Treatment\Source Protection\2015 update\Letters to PCSs
3	Household Hazardous Waste	Residents	Water Resources	4.2.3.8 Promote or provide services for the collection of household hazardous waste	Put the HHW Address and Phone number on City Web Site	Jan 1, 2018, Complete 1/1/18	UOR, HWM	Successful if complete by that date. Listed on website
3	Household Hazardous Waste	Residents	Water Resources	4.2.3.9 Publicly list and publicize a hotline or other telephone number for public reporting of spills and other illicit discharges	Put the HHW Address and Phone number on City Web Site	Jan 1, 2018, Complete 1/1/18	CH	Successful if complete by that date. Listed on website https://www.parkcity.org/departments/public-utilities/stormwater
3	All Pollutants	Public Works	Water Resources / Stormwater Ops.	4.2.3.9.1 Develop SOP and flow chart for public referrals of illicit discharges and appropriate agency involvement	Develop SOPs and flow chart	Complete	IDC, ISDC	SOPs and flow chart completed (located in Appendix C)
3	All Pollutants	All Audiences	Water Resources	4.2.3.10 Adopt and implement procedures for program evaluation and assessment. Include a database for mapping, tracking of the spills or illicit discharges identified and inspections conducted	Create a spreadsheet for tracking Illicit Discharges, Incorporate process to receive Health Department reports	Complete	IIC, MSWD	Successful if complete by that date Spill documentation catagorized by event and year on server. I:\Stormwater\IDDE & Spills\Spill Documentation
3	All Pollutants	All Audiences	Stormwater Ops.	4.2.3.11 The permittee shall train all staff/contractors that may come in contact with illicit discharges	Create presentation and videos to present to appropriate staff	Complete (update 2022)	ET, CCIT	Trainings completed and logs up to date H:\Stormwater Coordinating Meeting\Stormwater Training
3	All Pollutants	All Audiences	Water Resources / Stormwater Ops.	4.2.3.6.12 All non stormwater reports must be retained and available for request by the Director	Store IDDE Reports on Park City system	Complete, Ongoing	IDC	Properly store reports I:\Stormwater\IDDE & Spills\Spill Documentation

10.4. CONSTRUCTION SITE RUNOFF CONTROL

Permit Requirements

The permit requirements for Construction Site Runoff Control on Stormwater Impacts can be found in Section 4.2.4 of the permit. A copy of the permit is included in Appendix F for reference. The permit outlines in general the following requirements:

1. Have an ordinance or other regulatory mechanism requiring the implementation of proper erosion and sediment control practices on construction sites. This will include a requirement for a Stormwater Pollution Prevention Plan (SWPPP) and enforcement provisions.

2. Develop and implement Standard Operating Procedures (SOPs) for:

    a. pre-construction SWPPP reviews to ensure plans are complete and in compliance with State and Local regulations.

    b. construction site inspection and enforcement of construction stormwater pollution control measures.

3. Train staff to implement the construction stormwater program, including permitting, plan review, construction site inspections, and enforcement.

4. Establish procedures to maintain records of all projects disturbing greater than or equal to one acre, including projects less than one acre that are part of a larger common plan of development.

Summary of Existing Efforts

City Ordinances
The City currently has an ordinance that requires a stormwater construction activity permit for construction activities. The application for this permit requires a completed Stormwater Pollution Prevention Plan (SWPPP).

Site Plan Review Process
The City currently has a procedure requiring the submittal of construction drawings prior to approving a new development. This process does not specifically require water quality impacts to be considered.

Inspectors
The City has multiple RSI registered inspectors and is working to improve frequency and adequacy of construction site inspections.

Standard Drawings and Specifications
The city has a set of standard drawings and specifications for subdivision site development.

Plan and Implementation Measures

In order to help meet the goals and objectives of this SWMP Park City has chosen to adopt the following BMPs for use within our city as applicable. Each BMP is cross referenced alphabetically by code to a fact sheet that describes the BMP, its applicability, its limitations, and its effectiveness in the indicated appendix.

BMP	Code	Appendix
Certification and Inspector Training	CCIT	A,B
Erosion Control Plan	ECP	A,B
Landscape and Irrigation Plan	LIP	A,B
Ordinance Development	OD	A,B
Zoning	ZO	A,B

Goals

In order to more fully realize the benefit of the BMP the city has set measurable goals. The goals set along with the existing efforts fulfill the requirements of the Final Stormwater Phase II Rule for Construction Site Runoff Control. These goals are listed in Table 4 (MCM 4 Measurable Goals).

Table 4

MCM 4.2.4 Construction Site Storm Water Runoff Control

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

MCM	Target			Desired Result	Measurable Goal	Milestone Date	Assoc. BMP	Measure of Success (Effectiveness)
	Pollutant(s)	Audience(s)						
4	Sediment, Construction Site Debris, Hydrocarbons	All Audiences	City Engineer	4.2.4.1 Enforce an ordinance or regulatory mechanism to educate contractors and developers on what is expected on construction sites	Ordinance implemented to require a SWPPP for every construction site over one acre or part of common plan of development	4/1/2018, Complete 11/2/2017	OD	Successful if 95% of all active construction sites have a working SWPPP
4	Sediment, Construction Site Debris, Hydrocarbons	All Audiences	City Engineer	4.2.4.1.1 Revise ordinance to require SWPPP at construction site	"	Complete	OD	"
4	Sediment, Construction Site Debris, Hydrocarbons	All Audiences	City Engineer	4.2.4.1.2 Require construction operators to obtain coverage under the Construction General Permit by obtaining an NOI through the State	Track coverage through EPA's Central Data Exchange (CDX) system	Complete, Ongoing	OD, PEP	Successful if 95% of all active construction sites are covered by an NOI and in CDX
4	Sediment, Construction Site Debris, Hydrocarbons	All Audiences	City Engineer	4.2.4.1.3 Revise ordinance to include access to inspect construction sites	Ordinance includes access to inspect	Complete	OD, PEP	Successful in ordinance includes access.
4	Sediment, Construction Site Debris, Hydrocarbons	All Audiences	City Engineer	4.2.4.2 Develop a written enforcement strategy and implement the enforcement provisions of the ordinance or other regulatory mechanism	Draft ordinance to include escalating enforcement provisions	Complete	OD	Sucessful if enforcement provisions are included
4	Sediment, Construction Site Debris, Hydrocarbons	All Audiences	Stormwater Ops.	4.2.4.2.1 SOPs including processes to obtain compliance.	Draft SOPs and distribute to parties involved	Winter 2022	SOP	Successful if SOPs are completed and distributed to contractors at Pre-Con meetings
4	"	"	City Engineer	4.2.4.2.2 Documentation and tracking of all enforcement actions	Develop and begin using a construction site enforcement action log, Utylisync	4/1/2018, Complete 1/1/2018, transitioned to Utilisync 2/1/2021	OD	Successful if we have a log and are using it

Table 4

Construction Site Storm Water Runoff Control

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

MCM	Target: Pollutant(s)	Target: Audience(s)		Desired Result	Measurable Goal	Milestone Date	Assoc. BMP	Measure of Success (Effectiveness)
4	Sediment, Construction Site Debris, Hydrocarbons	Contractors and Developers	City Engineer	4.2.4.3 Develop and implement SOP's for pre-construction SWPPP review for construction sites	Develop checklist and begin to do preconstruction reviews of SWPPP	December 31, 2018	ECP	Successful if we are conducting SWPPP reviews, first meeting 11/2/2017
4	"	"	City Engineer	4.2.4.3.1 Conduct a pre-construction meeting	Hold Pre-con meetings on all sites greater than 1 acre or as part of common plan of development	7/1/2018, Complete 11/2/2017	PEP	Successful if we are conducting Pre-con meetings, coordinate with building and zoning department, first meeting 11/2/2017
4	"	"	City Engineer	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.	Develop a policy to consider potential water quality impacts on all projects - private or municipal	December 31, 2018	ZO	Memo or other documentation on 90% of project reviews
4	"	"	City Engineer	4.2.4.3.3 Identify priority construction sites considering the following factors at a minimum: • Soil erosion potential • Site slope • Project size and type • Sensitivity of and proximity to receiving waterbodies • Non-SW discharges and past record of non-compliance by the operators of the construction sit	Review construction projects using SWPPP preconstruction review to determine if site is a priority.	Jan 1, 2020	ZO	Successful if we have post construction BMPs on 50% of projects
4	"	"	Stormwater Ops.	4.2.4.4 Develop SOPs for construction site inspection and enforcement of BMPs.	Draft SOPs	Complete	SOP	Successful if SOPs are completed

Table 4

Construction Site Storm Water Runoff Control

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

MCM	Target: Pollutant(s)	Target: Audience(s)		Desired Result	Measurable Goal	Milestone Date	Assoc. BMP	Measure of Success (Effectiveness)
4	Sediment, Construction Site Debris, Hydrocarbons	Contractors and Developers	City Engineer/Code Enforcement	4.2.4.4.1 Inspections of all new construction sites ... at least monthly by qualified personnel	Conduct monthly inspections of all construction sites - Emphasize self inspections - sensitive areas to be inspected twice monthly. Ensure qualified inspector.	Jan 1, 2019	CCIT	Successful if 90% of all active construction sites are inspected monthly and documented by qualified inspectors (based on permit), Monthly Inspections started 7/1/2017.
4	"	Contractors, developers and MS4 staff	City Engineer	4.2.4.4.2 The Permittee must include in its SWMP document a procedure for being notified by construction operators/owners of their completion of active construction so that verification of final stabilization and removal of all temporary control measures may be conducted.	Develop a written Notice of Termination process. Tie NOT to the Lanscape Bond held by the city.	December 31, 2018	ECP	Successful if 85% of all active construction sites are terminated appropriately
4	"	"	City Engineer/Code Enforcement	4.2.4.4.3 Conduct Bi-weekly inspections on high priority construction sites, set policy that high priority and sensitive areas are the same	Inspect high priority sites bi-weekly	July 1, 2018	ECP	Successful if 85% of high priority sites are inspected bi-weekly
4	"	Contractors, developers and MS4 staff	City Engineer/Code Enforcement	4.2.4.5 Provide training to city staff and 3rd party designers	Develop a city policy to require all SWPPP inspectors to be RSI certified	Jan 1, 2019	CCIT	Successful if completed by milestone
4	"	"	City Engineer	4.2.4.6 Maintain a log of permitted active construction sites	Establish a log, Utilisync/GIS	Complete	ECP	Successful if active construction sites are recorded in Database log

10.5. POST CONSTRUCTION RUNOFF CONTROL

Permit Requirements

The permit requirements for Post-Construction Runoff Control on Stormwater Impacts can be found in Section 4.2.5 of the permit. A copy of the permit is included in Appendix F for reference. The permit outlines in general the following requirements:

1. Have an ordinance or other regulatory mechanism requiring the implementation of long-term post-construction stormwater controls at new and redevelopment sites.

2. Develop an enforcement strategy and implement enforcement provisions of the ordinance.

3. Develop requirements or standards for new development and redevelopment projects to include stormwater controls or management practices that will prevent or minimize impacts to water quality.

4. Define specific hydrologic method for calculating runoff and flow rates to be used to size structural BMPs and facilitate plan review.

5. Adopt and implement procedures for site plan review which incorporate consideration of water quality impacts.

6. Develop, adopt and implement Standard Operating Procedures (SOPs) for site inspection and enforcement of post-construction stormwater control measures.

7. Provide adequate training for staff concerning post-construction stormwater management, plan review, inspections and enforcement.

8. Maintain an inventory of all post-construction structural stormwater control measures. This includes public and private facilities.

Summary of Existing Efforts

Ordinances

The City has an ordinance allowing a maximum stormwater discharge rate for new development. The City has also implemented an Ordinance to require long term post construction stormwater controls at new development and re-development sites disturbing greater than or equal to one acre, including projects that are less than one acre that are park of a larger common plan of development or sale. This also includes enforcement and inspection requirements (See Appendix E for a copy of current Park City stormwater related ordinances).

Landscaping Plans

Developers are required to present a plan outlining landscaping plans to the city. Developers will be required to sign into a maintenance agreement with the city which commits them to conduct maintenance and provide annual certification that adequate maintenance has been performed, and the structural controls are operating as designated to protect water quality. This also allows Park City to conduct oversight inspections as well as account for transfer of the agreement as the property owners change.

Developers are also required to submit a Long-Term Stormwater Management Plan (LTSWMP) which describes the systems, operations and the minimum standard operating procedures (SOPs) necessary to manage pollutants originating from or generated on their property. Park City provides a template to developers to follow and create their LTSMP.

Plan and Implementation Measures

In order to help meet the goals and objectives of this SWMP Park City has chosen to adopt the following BMPs for use within our city as applicable. Each BMP is cross referenced alphabetically by code to a fact sheet that describes the BMP, its applicability, its limitations, and its effectiveness in the indicated appendix.

BMP	Code	Appendix
BMP Inspection and Maintenance	BMPIM	A,B
Educational Materials	EM	A,B
Infrastructure Planning	IPL	A,B
Landscape and Irrigation Plan	LIP	A,B
Ordinance Development	OD	A,B

Goals

In order to more fully realize the benefit of the BMP the city has set measurable goals. The goals set along with the existing efforts fulfill the requirements of the Final Stormwater Phase II Rule for Post Construction Runoff Control. These goals are listed in Table 5 (MCM 5 Measurable Goals).

Table 5

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

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

MCM	Target		City Responsibility	Permit Reference/Desired Result	Measurable Goal	Milestone Date	Assoc. BMP	Measure of Success (Effectiveness)
	Pollutant(s)	Audience(s)						
5	All Pollutants	All Audiences	City Engineer	4.2.5.1. Develop and adopt an ordinance or other regulatory mechanism that requires long-term post-construction stormwater controls at new development and redevelopment sites. (4.2.5.3.1 for flood control structure issues and 4.2.5.3.2 for LID)	Create an ordinance and implement into municipal code	Complete March 2021	OD	If review is complete and ordinance is implemented into municipal code.
5	All Pollutants	All Audiences	City Engineer	4.2.5.1.1 New development/redevelopment program include non-structural BMP's	include non-structural BMPs in ordinance to include BMPs in Permit section 4.2.5.1.1	Complete March 2021	LUPM	If ordinance includes non-structural BMPs.
5	All Pollutants	All Audiences	City Engineer	4.2.5.1.2 Retention Requirement: Define specific hydrologic method/s for calculating runoff volumes and flow rates. New development/redevelopment sites must manage rainfall onsite, prevent discharge of rain event less than/equal to the 80th percentile for new development. For redevelopment, site rainfall must be managed if more than 10% of impervious surface is disturbed	All new sites (post ordinance implementation) reviewed for permit compliance	March 2021, Ongoing	IPL	All plans reviewed for permit compliance
5	All Pollutants	All Audiences	City Engineer and Stormwater Ops	4.2.5.1.3 Require the evaluation of Low Impact Development (LID) approach for all projects. A minimum of 5 LID practices must be allowed.	require LID approach in Develop a list of Park City approved LID Practices and evaluation	Complete March 2021	IPL	LID evaluation is required by ordinance, any LID practices are acceptable with approval.

Table 5

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

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

MCM	Target		City Responsibility	Permit Reference/Desired Result	Measurable Goal	Milestone Date	Assoc. BMP	Measure of Success (Effectiveness)
	Pollutant(s)	Audience(s)						
5	All Pollutants	All Audiences	City Engineer	4.2.5.1.4 If meeting retention standards from 4.2.5.1.2 is infeasible, a rationale must be provided for an alternative	Review all infeasible projects and document	Ongoing	IPL	If review is complete and project is documented appropriately with appropriate assessment and quantitative analysis.
5	All Pollutants	All Audiences	City Engineer	4.2.5.2 Develop and adopt an ordinance that requires long-term post-construction stormwater controls	Create an ordinance and implement into municipal code	Complete, March 2021	OD	If review is complete and ordinance is implemented into municipal code.
5	All Pollutants	All Audiences	City Engineer	4.2.5.2.1 Include enforcement provisions in ordinance at new development and re-development sites	Include enforcement provisions in ordinance	Complete, March 2021	OD	If enforcement provisions are included in ordinance
5	All Pollutants	All Audiences	City Engineer	4.2.5.2.2 Documentation on how the requirements of the ordinance or other regulatory mechanism will protect water quality and reduce the discharge of pollutants to the MS4, and implement SOPs for site inspection and enforcement of Post-construction controls	Ordinance includes a requirement for a Long-Term SWMP (prepared by a licensed engineer) detailing how storm water runoff and associated water quality impacts will be controlled/managed: how long-term BMPs were selected, pollutant removal expected from the BMP, and technical basis supporting performance claims	Complete, March 2021	IPL	if ordinance requires a LTSWMP.

Table 5

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

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

MCM	Target		City Responsibility	Permit Reference/Desired Result	Measurable Goal	Milestone Date	Assoc. BMP	Measure of Success (Effectiveness)
	Pollutant(s)	Audience(s)						
5	"	"	Stormwater Ops	"	Draft SOPs for inspection and enforcement of post-construction control measure	Summer 2021	LIP	If inspection and enforcement SOPs are current and being utilized.
5	All Pollutants	All Audiences	City Engineer	4.2.5.2.3 Ordinance must include access to inspect private properties	Include access to inspect private properties in ordinance	Complete, March 2021	OD	If ordinance includes access.
5	All Pollutants	All Audiences	Stormwater Ops	4.2.5.2.3 Require private property owner/operators or qualified third parties to conduct maintenance and provide annual certification that adequate maintenance has been performed and the structural controls are operating as designed to protect water quality. In this case, the Permittee must require a maintenance agreement addressing maintenance requirements for any control measures installed on site.	Draft a maintenance agreement template	Complete, March 2021 Updated Summer 2021	BMPIM	If draft is completed by the milestone date and used at all applicable properties.
5	"	"	City Engineer	"	Adopt a maintenance agreement template	Summer 2021	BMPIM	If template is adopted and being used by milestone date
5	All Pollutants	All Audiences	City Engineer/Code Enforcement	4.2.5.2.4 Permanent structural BMP's shall be inspected once during installation and once post construction by qualified personnel	Inspector inspects during construction and bond is not released until final termination inspection	Complete, Ongoing	BMPIM	If inspections are completed during and after construction.
5	All Pollutants	All Audiences	City Engineer/Code Enforcement	4.2.5.2.5 Every other year inspections and necessary maintenance completed by MS4 or property owner/operator. For maintenance by owner/operator, MS4 shall inspect once every 5 years, and document.	Inventory post-construction BMPs - see permit for inventory inclusion items	Jan 1, 2020	BMPIM	If inventory is complete

Table 5

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

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

MCM	Target		City Responsibility	Permit Reference/Desired Result	Measurable Goal	Milestone Date	Assoc. BMP	Measure of Success (Effectiveness)
	Pollutant(s)	Audience(s)						
5	"	"	City Engineer	"	Identify who is responsible to inspect and/or maintain each post-construction BMP	Jan 1, 2020	BMPIM	If list identifies person responsible for inspections/ maintenance
5	"	"	Stormwater Ops	"	Develop inspection report form for post-construction BMPs	Jan 1, 2020	BMPIM	If form is completed and filed properly
5	"	"	Streets Department	"	Conduct inspections annually for city owned BMP's	Jan 1, 2020	BMPIM	If completed inspection reports are properly filed
4	All Pollutants	All Audiences		4.2.5.3.1 Adopt and implement procedures for site plan review to evaluate water quality impacts	See goals for MCM 4			
5	All Pollutants	All Audiences	City Engineer	4.2.5.3.2 Review post construction plans to ensure they include long-term stormwater management measures	Review post construction plans	Ongoing	BMPIM	If reviews are being completed.
5	All Pollutants	All Audiences		4.2.5.4 Inventory: maintain an inventory of all post-construction structural storm water control measures installed and implemented at new development and redeveloped sites (public and private)	Inventory log updated annually in GIS	Ongoing	BMPIM	If log is updated
5	All Pollutants	All Audiences		4.2.5.4.1 Each entry to the inventory must include basic information on each project and update when changes occur	Include information of each project in inventory log	Ongoing	BMPIM	if log includes project information
5	All Pollutants	MS4 Staff	Stormwater Ops	4.2.5.5 Permittees shall insure all staff involved in post-construction stormwater management receive and have access to training.	Create training for long term stormwater management and present to appropriate staff	Fall 2021	BMPIM	If training is created, conducted to appropriate staff, accessible any time, and logged.

10.6. POLLUTION PREVENTION / GOOD HOUSEKEEPING

Permit Requirements

The permit requirements for Pollution Prevention and Good Housekeeping on Stormwater Impacts can be found in Section 4.2.6 of the permit. A copy of the permit is included in Appendix F for reference. The permit outlines in general the following requirements

1. Develop and implement an operation and maintenance program for city-owned or operated facilities.

2. Maintain an inventory of city-owned or operated facilities and stormwater controls. Assess said list for their potential to discharge typical urban pollutants to the stormwater system.

3. Identify 'high-priority' facilities or operations that have a high potential to generate stormwater pollutants. Included with Standard Operating Procedures (SOPs) specific to municipal operations. The SOPs shall include appropriate pollution prevention and good housekeeping procedures for all of the following types of facilities and/or activities listed below:

    a. Buildings and facilities
    b. Material storage areas, heavy equipment storage areas and maintenance areas
    c. Parks and open spaces
    d. Vehicle and equipment
    e. Roads, highways, and parking lots
    f. Stormwater collection and conveyance system
    g. Other facilities and operations (those not listed, but would reasonably be expected to discharge contaminated runoff)

4. If a third-party is to conduct municipal maintenance or private developments conduct their own maintenance, the contractor shall be held to the same standard as the City. This should be outlined and defined in contracts.

5. Inspection schedules and logs should be part of the O&M program.

6. Develop and implement a process to assess the water quality impacts in the design of all new flood management structural controls that are associated with the MS4.

7. City construction projects shall comply with the requirements applied to private projects.

8. Include employee training on how to incorporate pollution prevention and good housekeeping techniques into municipal operations, including SOPs.

Summary of Existing Efforts

Existing Maintenance Program
The City currently maintains inlet boxes and other MS4 improvements on a schedule meeting the permit requirements of a minimum once per permit period (5 years). Streets are also swept as needed.

Existing Inspection Program
The City designated two (2) facilities as “high priority”, have implemented SOPs at those locations and inspections on a monthly, semi-annually and annually with precipitation event inspections are completed and logged in a cloud-based program by the facility managers.

Training
The City has implemented annual training for MS4 staff whose job functions are likely to impact water quality. The annual training addresses specifics to the trainee’s job functions, and goes over the MS4 requirements as well as the Park City SOPs (listed in Appendix C.

Plan and Implementation Measures

In order to help meet the goals and objectives of this SWMP Park City has chosen to adopt the following BMPs for use within our city as applicable. Each BMP is cross referenced alphabetically by code to a fact sheet that describes the BMP, its applicability, its limitations, and its effectiveness in the indicated appendix.

BMP	Code	Appendix
Employee Training	ET	A,B
Housekeeping Practices	HP	A,B
Infrastructure Planning	IPL	A,B

Goals

In order to more fully realize the benefit of the BMP the city has set measurable goals. The goals set along with the existing efforts fulfill the requirements of the Final Stormwater Phase II Rule for Pollution Prevention/Good Housekeeping. These goals are listed in Table 6 (MCM 6 Measurable Goals).

Table 6

MCM 4.2.6 Pollution Prevention and Good Housekeeping for Municipal Operations

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

MCM	Target		City Responsibility	Desired Result	Measurable Goal	Milestone Date	Assoc. BMP	Measure of Success (Effectiveness)
	Pollutant(s)	Audience(s)						
6	All pollutants	MS4 staff	Stormwater Ops.	4.2.6 Implement a program for MS4 operated facilities, operations, and stormwater controls including SOPs, BMPs, and storm water pollution prevention plans, and a training component.	Complete Org chart and define specific responsibilities for all departments shown	Jan 1, 2019	HP	If org chart is complete and up to date by milestone date
6	All pollutants	MS4 staff	Stormwater Ops.	4.2.6.1 Permitees shall develop and keep current a written inventory of Permittee-owned or operated facilities	Complete listing of MS4 owned/operated facilities in GIS	Complete 1/2017 & annual update	HP	If list is completed by milestone date (located in GIS map: "City Facilities") and Appendix D of SWMP
6	All pollutants	MS4 staff	Stormwater Ops.	4.2.6.2 All Permittees must assess the written inventory of Permittee-owned or operated facilities, operations and stormwater 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 storm water system. A description of the assessment process and findings included in SWMP.	Complete assessments and identify "high priority" facilities	Complete, 1/1/2019 re-assess 2022	HP	If assessments are completed and documentation recorded in SWMP
6	"	"	Stormwater Ops.	"	Compile a list of common pollutants from high priority facilities.	Complete	HP	If pollutants are addressed in SWMP.
6	"	"	Stormwater Ops.	4.2.6.3 All permitees must identify “high-priority” facility owned sites and set up monitoring for control measures	Complete assessments of “high priority” facilities	Summer 2022	HP	Assessments are complete and documentation kept on file

Table 6

MCM 4.2.6 Pollution Prevention and Good Housekeeping for Municipal Operations

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

MCM	Target		City Responsibility	Desired Result	Measurable Goal	Milestone Date	Assoc. BMP	Measure of Success (Effectiveness)
	Pollutant(s)	Audience(s)						
6	"	"	Engineering/Stormwater Ops.	4.2.6.4 Each “high priority” facility identified in Part 4.2.6.3. must develop a SWPP	Review, customize and update appropriate SWPP's	Complete 10/2017	HP	if SWPPs are developed and maintained. Located in Appendix D (I:\Stormwater\Management Plan\MCM 6 P2-GH\SWPPP - High Priority)
6	"	"	Stormwater Ops.	4.2.6.5.1 Monthly visual inspections: The Permittee must perform Monthly visual inspections of “high priority” facilities in accordance with the developed SOPs to minimize the potential for pollutant discharge.	Develop Monthly inspection form and log	Complete 10/2017	HP	Completed inspection form and log (located in Cityworks)
6	"	"	MS4 Staff	"	Conduct Monthly inspections	Ongoing, started 11/2017	HP	If at annual review all Monthly inspections are logged and reports completed (in Cityworks)
6	"	"	MS4 Staff	4.2.6.5.2 Semi-Annual comprehensive inspections: At least 2 times per year, a comprehensive inspection of “high priority” facilities, including all stormwater controls, must be performed	Develop Semi-Annual inspection form(s) and log	Complete 10/2017	HP	Completed inspection form and log (in Cityworks)
6	"	"	MS4 Staff	"	Conduct semi-annual comprehensive inspections	Ongoing, Started Q4 2017	HP	If at annual review all semi-annual inspections are logged and reports completed (in Cityworks)

Table 6

MCM 4.2.6 Pollution Prevention and Good Housekeeping for Municipal Operations

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

MCM	Target		City Responsibility	Desired Result	Measurable Goal	Milestone Date	Assoc. BMP	Measure of Success (Effectiveness)
	Pollutant(s)	Audience(s)						
6	"	"	MS4 Staff	4.2.6.5.3 Annual visual observation of stormwater discharges: At least once per year the Permittee must visually observe the quality of the stormwater discharges from the “high priority” facilities	Conduct annual visual observations of stormwater discharges at high priority facilities	Ongoing, Started Q4 2017	HP	If at annual review all annual visual monitoring is completed and logged and reports completed
6	"	"	Stormwater Ops.	4.2.6.6 Develop and implement SOPs for facilities	Identify, develop, and implement SOPs	Complete, ongoing	SOP	if SOPs are developed, implemented, and revised as needed. Located in Appendix D.
6	"	"	Stormwater Ops.	4.2.6.6.1 Develop and implement SOP's for protecting water quality	Identify, develop, and implement SOPs	Complete, ongoing	SOP	if SOPs are developed, implemented, and revised as needed. Located in Appendix D.

Table 6

MCM 4.2.6 Pollution Prevention and Good Housekeeping for Municipal Operations

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

MCM	Target		City Responsibility	Desired Result	Measurable Goal	Milestone Date	Assoc. BMP	Measure of Success (Effectiveness)
	Pollutant(s)	Audience(s)						
6	"	"	Streets/Stormwater Ops.	4.2.6.6.2 SOP's and schedule for street sweeping and stormwater system maintenance	Develop SOP's and schedule. GPS tracking of street sweeping located in "Precise Fleet" , and streets are swept monthly.	Complete	SOP	SOPs developed, followed, and documented.
6	"	"	Streets/Stormwater Ops.	4.2.6.6.3 Ensure proper disposal and documentation of all waste/wastewater for stormwater maintenance	Construct a decant facility in Park City for proper disposal of waste/wastewater from cleaning/maintenance of storm drain cleaning.	Complete	HP	Decant facility constructed with EPA approval through June 2022.
6	"	"	Streets/Stormwater Ops.	4.2.6.6.4 Ensure vehicle and equipment wash water disposed of properly	Create SOP for wash water and include in training	Complete	HP	If SOP is distributed and staff is trained
6	"	"	Streets/Stormwater Ops.	4.2.6.6.5 Develop a spill prevention plan with local fire department's	Develop Plan	Complete	HP	If Spill Prevention plan is complete and followed.
6	"	"	Building/Stormwater Ops	4.2.6.6.6 Maintain an inventory of floor drains	Develop and maintain an inventory	2021, Ongoing	HP	if inventory is complete and maintained
6	"	"	Stormwater Ops/MS4 Staff	4.2.6.7 Ensure contractors are using proper stormwater techniques	See MCM 4 and 5		HP	
6	"	MS4 staff		4.2.6.8 Implement process for all new flood management structural controls	See MCM 5		HP	
6	"	MS4 Staff, Contractors and Developers	Stormwater Ops./Engineering	4.2.6.8 The Permittee must develop and implement a process to assess the water quality impacts in the design of all new flood management structural controls that are associated with the Permittee or that discharge to the MS4.	Draft a policy/process to assess water quality impacts on all new flood control projects	Jan 1, 2019	IPL	If draft is prepared and ready for internal review process by milestone date

Table 6

MCM 4.2.6 Pollution Prevention and Good Housekeeping for Municipal Operations

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

MCM	Target		City Responsibility	Desired Result	Measurable Goal	Milestone Date	Assoc. BMP	Measure of Success (Effectiveness)
	Pollutant(s)	Audience(s)						
5	"	MS4 staff		4.2.6.8.1 Existing flood management structural controls must be assessed to determine whether changes or additions should be made to improve water quality.	See MCM 5 for goals (part of the retrofit program)		HP	
6	"	MS4 Staff	Stormwater Ops./Engineering	4.2.6.9 Develop a plan to retrofit existing developed Summit County owned facilities adversely impacting water quality	Update Storm Drain Master Plan and Capital Improvement Plan to include Water Quality Projects	Jan 1, 2020	IPL	If CIP includes water quality projects
	"	"	Stormwater Ops.	4.2.6.10 Permittees shall provide annual training for all employees, contracted staff, etc. who have primary construction, operation, or maintenance job functions that are likely to impact stormwater quality.	See individual training goals within other MCMs	2021, Ongoing	HP	See individual training goals within other MCMs
6	"	"	Stormwater Ops.	"	Develop a training schedule	July 1, 2019	ET, HP	If schedule is complete by milestone date

APPENDIX A

Supplemental Guide to Stormwater Management for Contractors and Developers

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Additional appendix information is available upon request

Special Environmental Considerations

Discharges to Water Quality Impaired Waters

Silver Creek and McLeod Creeks
The permittee "must determine whether storm water discharge from any part of the MS4 contributes to a 303(d) listed (i.e. impaired) waterbody." (Small MS4 General UPDES Permit 3.1.1.1) The 303(d) list of impaired waterbodies is found at: https://enviro.deq.utah.gov/

Threatened or Endangered Species

The construction of storm water BMPs in Park City has the potential to effect threatened and/or endangered species. These species should be considered during site review for storm water improvements. If impacts to these species is possible, contact the Division of Wildlife Resources. Current lists can be found at: http://www.fws.gov/endangered/

Historic Properties

The construction of storm water BMPs in Park City has the potential to effect historic properties. These historic properties should be considered during site review for storm water improvements. If impacts to historical properties is possible, determine the extent of potential effects, and contact the State Historic Preservation Office. The following website includes a map of historical properties, along with possible county and city listings:

https://utah.maps.arcgis.com/apps/webappviewer/index.html?id=f6dbd99cb21442e5a22c6b1d198864c3

HYDROLOGIC METHODS AND DESIGN STANDARDS

Refer to Park City Municipal Code 13-5-3 Long-Term Storm Water Management

From MS4 Permit:

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 nonstructural 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. New development projects that disturb land greater than or equal to one acre, including projects that are part of a larger common plan of development or sale which collectively disturbs land greater than or equal to one acre must manage rainfall onsite 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 practices that are designed, constructed, and maintained to infiltrate, have evapotranspiration, and/or harvest and reuse rainwater. The 80th percentile rainfall event is the event whose precipitation total is greater than or equal to 80 percent of all storm events over a given period of record.

Redevelopment projects that disturb greater than or equal to one acre, including projects less than an acre that are part of a larger common plan of development or sale which collectively disturbs land 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 increases the impervious surface by greater than 10%, the project shall manage rainfall on-site and prevent the off-site discharge of the net increase in the volume associated with the precipitation from all rainfall events less than or equal to the 80th percentile rainfall event. This objective must be accomplished by the use of practices that are designed, constructed, and maintained to infiltrate, have evapotranspiration, and/or harvest and reuse rainwater.

Refer to *A Guide to Low Impact Development within Utah* which includes information on Calculating and retaining the 80th percentile storm, best management practices, project documentation, etc.

DESIGN STANDARDS SHOULD INCLUDE:

Reference:
DWQ Guidance for Calculation of the 80th Percentile Storm Event:
https://documents.deq.utah.gov/water-quality/stormwater/DWQ-2019-004584.pdf

Low Impact Development (LID) Center's LID Urban Design Tools:
http://www.lid-stormwater.net/

Low-Impact Development Techniques

The permit requires that MS4's consider Low Impact Developments (LID's) for your community referenced in 4.2.1.6, 4.2.5.1.3, and 4.2.5.1.5. The following 7 categories with associated links are intended to assist communities in proper planning and Construction to encourage LID practices.

Bio-Retention areas: designed for site specific conditions to optimize the effectiveness of water filtration and retention. There is no standard. Creativity, ingenuity and dedication are the key to success.

- Bioretention Cell
- Aquatic Buffers
- Green Parking Lots
- Vegetated Strip
- Soil Amendments
- Soil Restoration
- Created Wetlands
- Tree Box Filter
- Dry Well
- Bioswale
- Dispersal Trench
- Conveyance Furrow
- Urban Forestry
- Vegetation Restoration
- Biofiltration
- Stormwater Planters
- Infiltration Basin/Infiltration Trench
- Underground Infiltration Galleries

Green Roofs: A bio retention area as well as a form of rain water collection; it also adds a public place and social element.

- Green Roofs
- Biofiltration

Permeable Pavements: allow for water to permeate through the surface, yet still give a hard surface for pedestrian and vehicular traffic.

- Break Up Flow Directions From Paved Surfaces
- Use Alternative Surfaces
- Green Parking Lots

Rain water collection: Utah law allows for re-use on site. For larger buildings such as offices and malls this is an impact that could greatly reduce storm drain usage in the area.

- Water Harvesting and Reuse
- Parking Lot and Street Storage
- Dispersal Trench
- Pop-Up Emitter

Riparian Buffers: Applied along a watershed by restricting development along creeks, streams, washes, ect. This keeps the natural flow of water, mitigates erosion and contamination, as well as provides an interconnected habitat for animals, and recreation opportunities.

- Protect Natural Site Functions
- Preserve Natural Corridors
- Aquatic Buffers

Green Street System: Includes the different aspects of rain gardens and swales along roads into an incorporated system for retention and filtration of storm water.

- Reduced Clearing and Grading
- Functional Grading
- Locate Impervious Surfaces to Drain to Natural Systems
- Minimize Directly Connected Impervious Areas
- Break Up Flow Directions From Paved Surfaces
- Trail and Path Network
- Narrow Roadways
- Reconfigure Driveways
- Alternative Turnarounds
- Green Parking Lots
- Stormwater Planters
- Urban Forestry
- Alternative Street Layouts
- Eliminate Curb and Gutter

Zoning/Alternative Development Configurations and Standards: creative zoning and development standards directed towards minimizing disturbances of the natural habitat and hydrology of the area.

- Site Fingerprinting
- Fit Development to Natural Gradient
- Alternative Development Configurations
- Define Development Envelope
- Identify Sensitive Areas
- Alternative Lot Configuration
- Reconfigure Driveways
- Alternative Turnarounds
- Reduced Sidewalk Application
- Alternative Street Layouts
- Eliminate Curb and Gutter
- Large lot sizes – higher impervious area percentage
- Cluster Zoning – consolidating development – fewer impacted areas
- Development credits – limiting overall development in a community
- Considering conservation easements
- Limit maximum Directly Connected Impervious Areas (DCIA)

References:

www.lid-stormwater.net (Tool created through Cooperative Assistance Agreement under the US EPA Office of Water 104b(3) Program)

A Guide to Low Impact Development within Utah (as of 6/11/21)

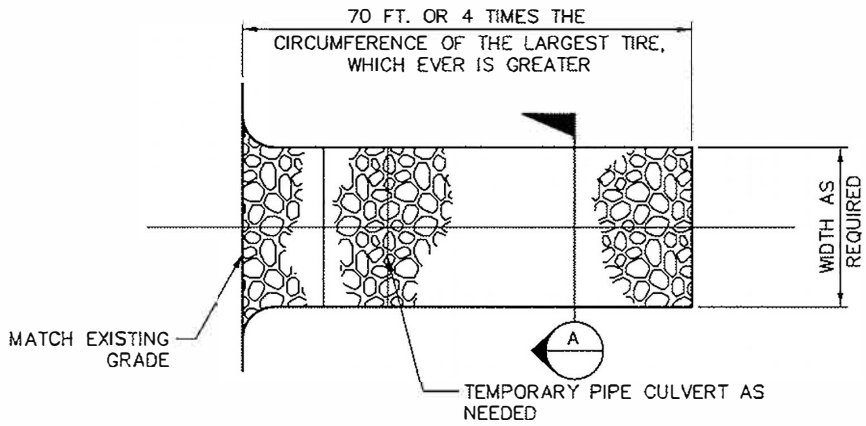
Reducing Stormwater Costs through Low Impact Development (LID) Strategies and Practices

UT DEQ Low Impact Development Page

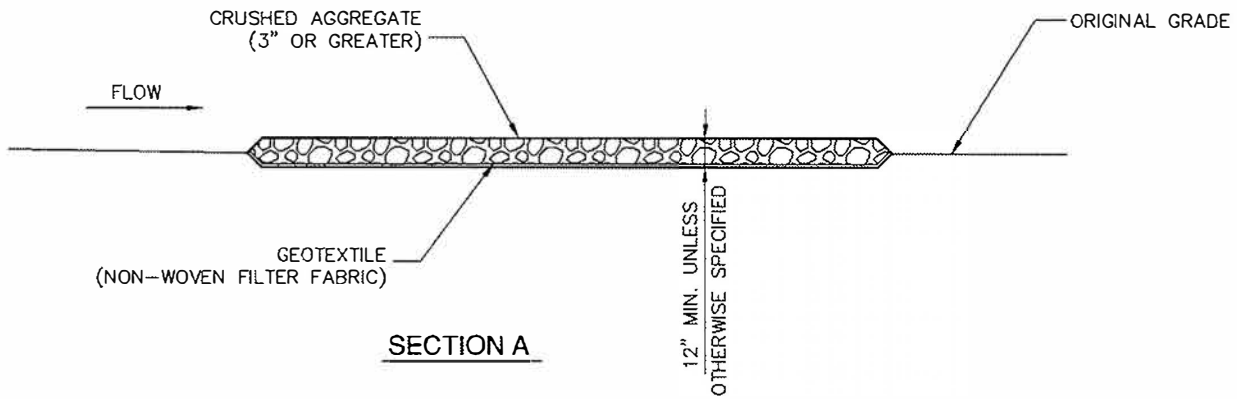
EPA Urban LID

SWMP Update 2021
Permit Reference #: 4.2.1.6, 4.2.5.1.3, 4.2.5.1.5

Standard Detail Drawings



PLAN VIEW



SECTION A

STABILIZED CONSTRUCTION ENTRANCE DETAIL

1

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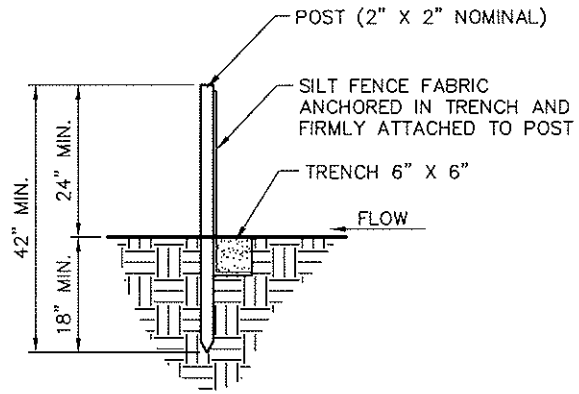
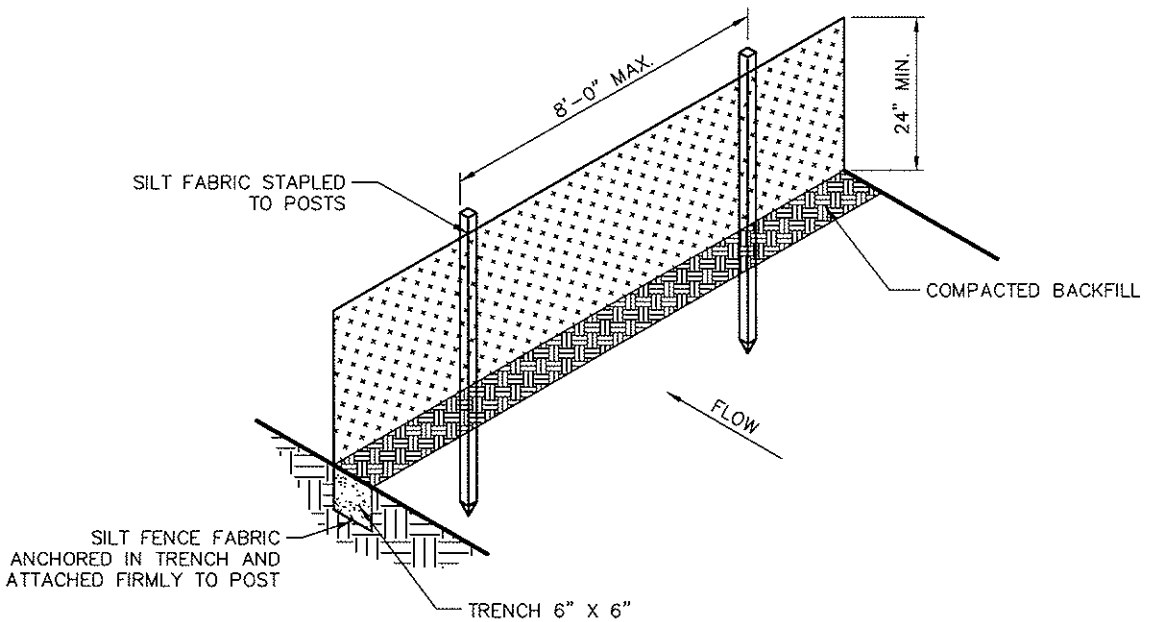


NOTES:

1. MINIMUM FILTER FABRIC HEIGHT SHALL BE 24".
2. POSTS FOR SILT FENCES SHALL BE METAL OR HARD WOOD WITH A MINIMUM LENGTH OF 36". WOOD POSTS SHALL HAVE A MINIMUM DIAMETER OR CROSS SECTION OF 2". METAL POSTS SHALL BE "STUDDED TEE" OR "U" TYPE WITH MINIMUM WEIGHT OF 1.33 LBS/FOOT.
3. DRIVE POSTS VERTICALLY INTO THE GROUND TO A MINIMUM DEPTH OF 18", AND EXCAVATE A TRENCH APPROXIMATELY 6" WIDE AND 6" DEEP ALONG THE LINE OF POSTS AND UPSLOPE FROM THE BARRIER. NO LESS THAN THE BOTTOM 1 FOOT OF THE FABRIC SHALL BE BURIED INTO THIS TRENCH.
4. THE FILTER FABRIC MATERIALS SHALL BE FASTENED SECURELY TO METAL OR WOOD POSTS USING WIRE TIES, OR TO THE WOOD POSTS WITH ¾" LONG #9 HEAVY DUTY STAPLES.
5. POSTS SHALL BE SPACED A MAXIMUM OF 8 FEET APART.



SILT FENCE DETAIL 2

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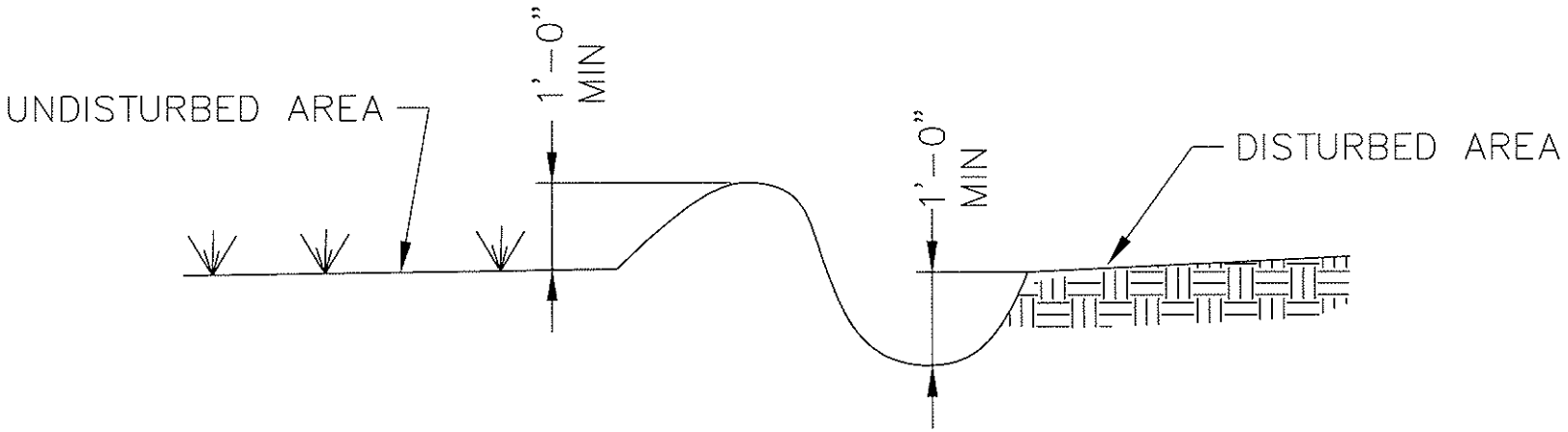
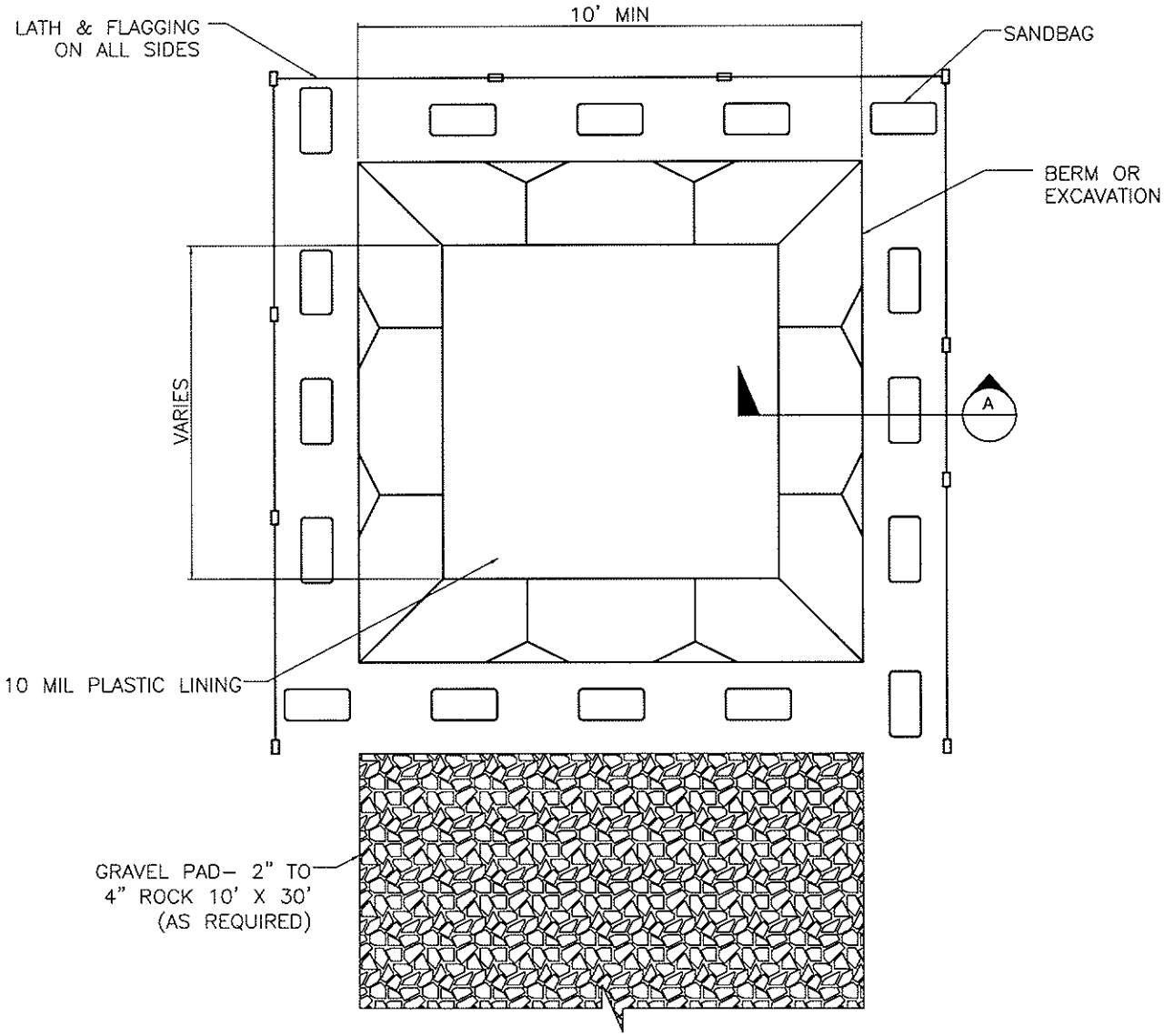
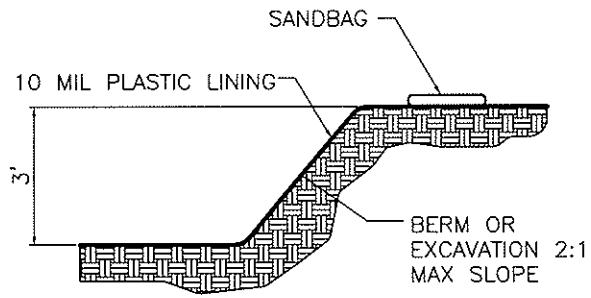


SWALE / BERM DETAIL 3

SCALE: N. T. S.



PLAN

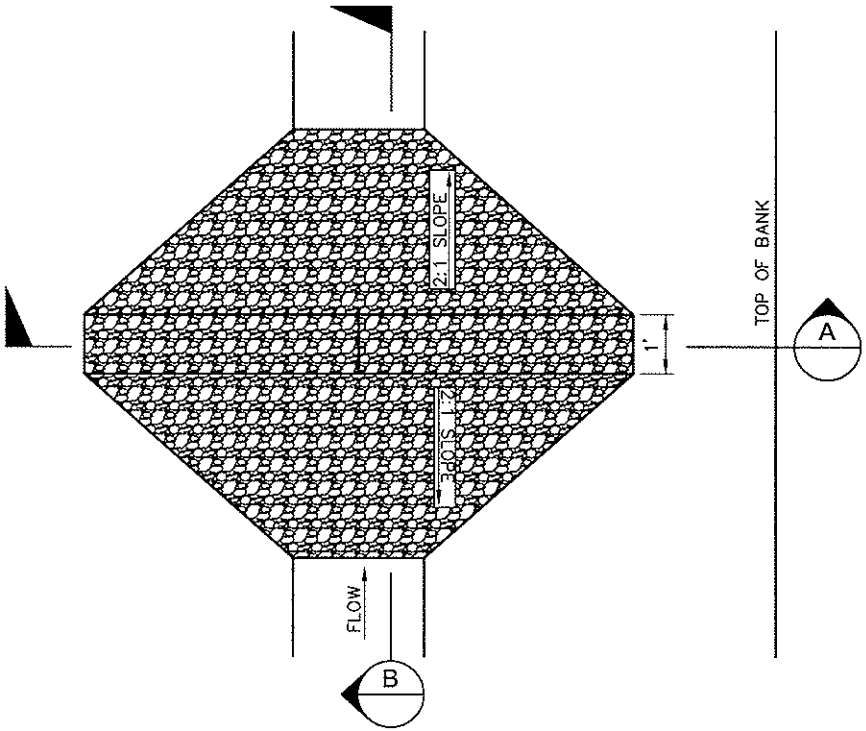


SECTION A

NOTES:
1. ACTUAL LAYOUT DETERMINED IN FIELD.
2. CONCRETE WASHOUT SIGN SHALL BE INSTALLED WITHIN 30 FT. OF THE TEMPORARY CONCRETE WASHOUT FACILITY.
3. WASHOUT NEEDS TO BE EMPTIED AND REPAIRED WHEN 75% OF STORAGE CAPACITY IS FILLED.
4. DEVELOPER/CONTRACTOR RESPONSIBLE FOR REMOVAL & PROPER DISPOSAL OF CONCRETE PRIOR TO FILING N.O.T

CONCRETE WASHOUT DETAIL 4

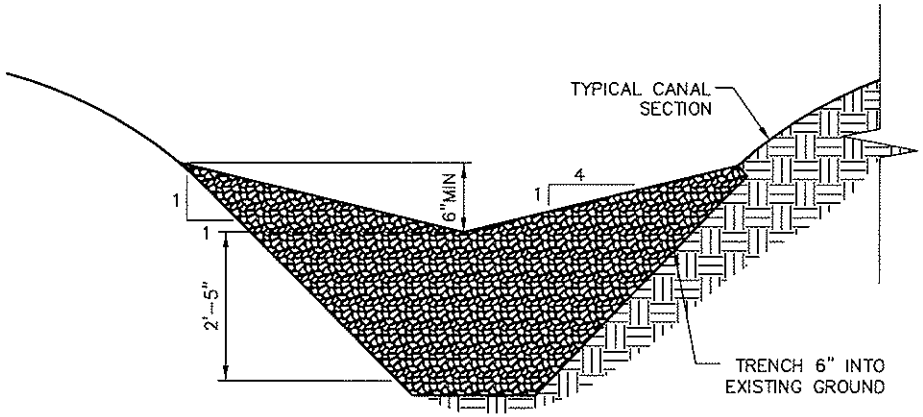
SCALE: N. T. S.



PLAN VIEW

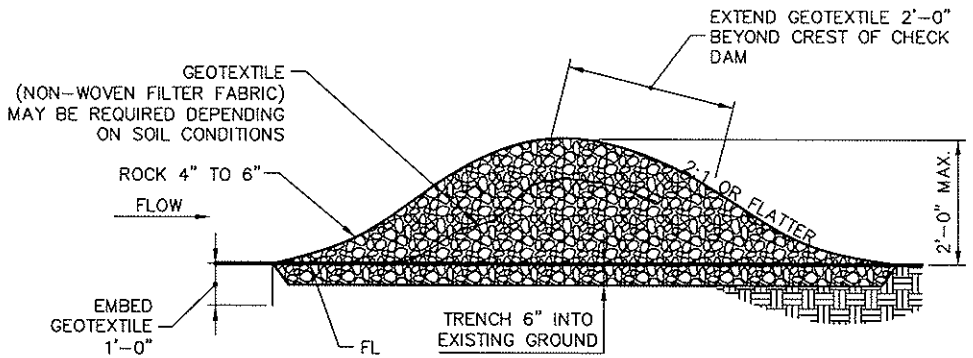
DITCH ROCK CHECK DAM 5

SCALE: N.T.S.



SECTION A

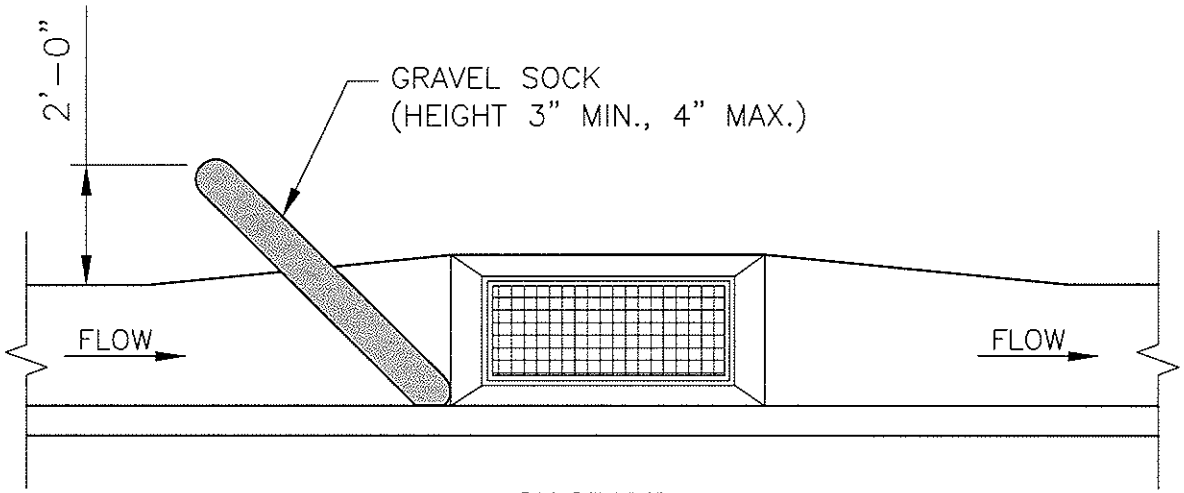
SCALE: N.T.S.



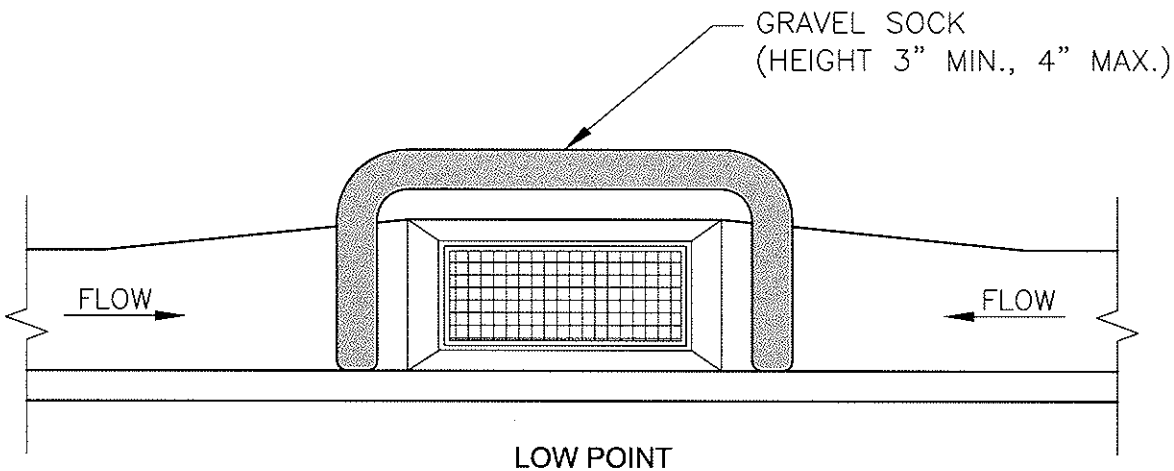
SECTION B

SCALE: N.T.S.

LAST UPDATE: 9/27/2010
PLOT DATE: 9/27/2010
FILE: ROCK CHECK DAM - DITCH
J-U-B ENGINEERS, INC.



ON GRADE



LOW POINT

6 INLET PROTECTION DETAIL
SCALE:N.T.S.

APPENDIX B

Supplemental Guide to Stormwater Management for Public Utilities Departments

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Additional appendix information is available upon request

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, have evapotranspiration, 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.

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

Possible Steps to Retrofitting Existing Infrastructure

1. Start with a map of your existing storm water system
2. Evaluate existing Post Construction BMPs for retrofitting opportunities
3. Overlay existing and future land use mapping
4. Look at sub-catchments/drainage areas – prioritize based on land use, impaired waters, and sensitive areas
5. Start with High priority areas
    a. Start at downstream end and look for property or opportunities to retrofit existing system for water quality
    b. Review list of possible post construction BMPs
    c. Work upstream to the upper ends of the high priority areas
    d. Compile a list of potential projects
    e. Create budgetary level costs for each project
    f. Prioritize projects
    g. Document findings – including reasons for prioritization
    h. Integrate this list with existing Storm Water Capital Improvement Projects
6. Repeat for Medium priority areas
7. Repeat for Low priority areas
8. Budget for and implement projects
9. Consider retrofit options with all redevelopment projects

Questions to ask when considering retrofits

1. Are there any highly impacted areas?
2. Why are these areas highly impacted?
3. Where are they?
4. How does the existing system work in this area?
5. What BMPs might address the problems?
6. Is there room to retrofit at the end of the line?
7. Would projects upstream maximize water quality and minimize impacts?
8. What are the anticipated costs?
9. How soon can this be programmed?
10. Do we have retrofitting requirements when redeveloping?

NOTICE OF TERMINATION PROCESS

The Notice of Termination has been a topic of discussion for some time on the State level. The Notice of Termination formally brings to a close the temporary permit to discharge stormwater from construction sites. This is a permit issued by the State and as such the State of Utah is the entity that grants a termination to that permit. However, the State of Utah does not have the resources or man-power required to ensure that all construction sites meet the requirements necessary to obtain an NOT and are leaning on MS4s state-wide to aid in the process. In this light the 2010 MS4 permit states:

4.2.4.4.2 The Permittee must inspect all phases of construction: prior to land disturbance, during active construction, and following active construction. The Permittee must include in its SWMP document a procedure for being notified by construction operators/owners of their completion of active construction so that verification of final stabilization and removal of all temporary control measures may be conducted.

Possible Steps for Terminating the Discharge of Water Associated with Construction Activities

When a Construction Site is nearing completion and the permittee is desirous of terminating their permit with the State of Utah for discharging water associated with construction activities the following steps should be taken:

1. The Contractor's SWPPP coordinator for the project should notify the city storm water inspector that they are ready for final inspection.
2. The city storm water inspector visits the site to determine if the site has reached final stabilization as determined by the UPDES Storm Water General Permit for Construction Activities, UTR300000. The city storm water inspector also checks to see if all temporary BMP have been removed.
3. If there is work still to be completed they are included in the Additional Comments and Corrective Actions for SWPPP Compliance portion of the State's UPDES Storm Water Inspection Evaluation Form for SWPPP Compliance (State's inspection form) and provides a copy for the SWPPP coordinator.
4. When the city storm water inspector is satisfied that all requirements have been met, the city storm water inspector uses the State's inspection form and completes the Notice of Termination (NOT) Inspection section of that form and sends a copy to the State for their records.
5. *(This step is not currently needed, but may become effective in January 2011)*. The city storm water inspector or designated individual then needs to log into the State's database and change the status of the permit for the given permit.
6. Once the State has received confirmation that the site meets all the requirements the NOT is granted.

APPENDIX C

Standard Operating Procedures (SOPs), Documentation and Elements of the Illicit Discharge Detection and Elimination program

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Additional appendix information is available upon request

APPENDIX D

General Documentation

(Inspection forms, enforcement logs, training logs, annual reports, maintenance records, observation reports, and other general documentation)

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Due to the nature of this dynamic documentation these appendices can be obtained by request

APPENDIX E

Current Park City Stormwater Ordinances

13-3 Stormwater

13-3-1 Illicit Discharges

1. No person shall introduce or cause to be introduced into the municipal separate storm sewer system any discharge that is not composed entirely of stormwater. The commencement, conduct or continuance of any non-stormwater discharge to the municipal separate storm sewer system is prohibited except where permitted by Utah General Permit for Discharges from Small MS4s. At the time of this sections adoption, the Utah General Permit for Small MS4s allowed for the discharges listed below so long as said discharge had not been identified as a significant source of pollutants to waters of the state or as causing or contributing to a violation of water quality standards; any discrepancy between the sources listed below and those provided for by the Utah General Permit for Discharges from Small MS4s shall be resolved in favor of the most recently adopted Utah General Permit for Discharges from Small MS4s.
    1. Allowable discharges:
        1. Water line flushing;
        2. Landscape irrigation;
        3. Diverted stream flows;
        4. Rising ground water;
        5. Uncontaminated ground water infiltration;
        6. Uncontaminated pumped ground water;
        7. Discharges from potable water sources;
        8. Foundation drains;
        9. Air conditioning condensate;
        10. Irrigation Water;
        11. Springs;
        12. Water from crawl space pumps;
        13. Footing Drains;
        14. Lawn watering runoff;

15. Individual residential car washing;
16. Flows from riparian habitats and wetlands;
17. Dechlorinated swimming pool discharges;
18. Residual street wash water;
19. Dechlorinated water reservoir discharges;
20. Discharges or flows from emergency firefighting activity.

2. Dye testing is an allowable discharge if the City Engineering has so specified in writing.
3. The prohibition shall not apply to any non-stormwater discharges permitted under a Utah Pollutant Discharge Elimination System (UPDES) permit, waiver, or waste discharge order issued to the discharger and administered under the authority of the State of Utah Division of Water Quality; provided, that the discharger is in full compliance with all requirements of the permit, waiver, or order and other applicable laws and regulations; and provided, that Engineering has provided written approval granting any discharge to the storm drain system.

2. Prohibition of Illicit Connections.
    1. The construction, use, maintenance or continued existence of illicit connections to the separate municipal storm sewer system is prohibited.
    2. This prohibition expressly includes, without limitation, illicit connections made in the past, regardless of whether the connection was permissible under law or practices applicable or prevailing at the time of connection.
3. Reduction of Stormwater Pollutants by the use of Best Management Practices. Any person responsible for a property or premises, which is, or may be, the source of an illicit discharge, may be required to implement, at the person's expense, the BMPs necessary to prevent the further discharge of pollutants to the municipal separate storm sewer system. Compliance with all terms and conditions of a valid UPDES permit authorizing the discharge of stormwater associated with industrial activity, to the extent practicable, shall be deemed compliant with the provisions of this section.
4. Notification of Spills. Notwithstanding other requirements of law, as soon as any person responsible for a facility or operation, or responsible for emergency response for a facility or operation, has information of any known or suspected release of materials which are resulting in, or may result in, illicit discharges or pollutants discharging into stormwater, and the municipal separate storm sewer system, the person shall take all necessary steps to ensure the discovery, containment, and cleanup of such release. In the event of such a release of hazardous materials, the person shall immediately notify emergency response agencies of the occurrence via emergency dispatch services. In the event of a release of

nonhazardous materials, the person shall notify Code Enforcement by telephone, email or facsimile no later than the next business day. Notifications in person or by telephone shall be confirmed by written notice addressed and mailed to the Code Enforcement within three business days of the telephone notice. If the discharge of prohibited materials emanates from a commercial or industrial establishment, the owner or operator of such establishment shall also retain an on-site written record of the discharge and the actions taken to prevent its recurrence. Such records shall be retained for a minimum of three years.

HISTORY
Adopted by Ord. 2018-07 on 2/1/2018

13-3-2 Enforcement

1. Enforcement Authority. The Chief Building Official or his/her designee shall have the authority to issue notices of violation, stop work orders, and citations, and to pursue the civil penalties provided in this section.

    1. With the issuance of a city land disturbance permit, building permit, conditional use permit or other permits issued by the city, the city shall be permitted to enter and inspect facilities subject to this chapter at all reasonable times and as often as necessary to determine compliance. Failure to comply with the terms of this chapter may result in punitive actions by the City, Summit County Health Department, Utah State Division of Water Quality or by other means identified in permits or terms set forth in development applications.

2. Notification of Violation (N.O.V.).

    1. Written Notice. Whenever the Chief Building Official or his/her designee finds that any permittee or any other person discharging stormwater has violated or is violating this chapter or a permit or order issued hereunder, the Chief Building Official or his/her designee may serve upon such person written notice of the violation. Within seven (7) days of this notice or the time frame specified in N.O.V., an explanation of the violation and a plan for the satisfactory correction and prevention thereof, to include specific required actions, shall be submitted to the Chief Building Official or his/her designee. Submission of this plan in no way relieves the discharger of liability for any violations occurring before or after receipt of the notice of violation.

        1. Consent Orders. The Chief Building Official or his/her designee is empowered to enter into consent orders, assurances of voluntary compliance, or other similar documents establishing an agreement with the person responsible for the noncompliance. Such orders will include specific action to be taken by the person to correct the noncompliance within a time period also specified by the order. Consent orders shall have the same force and effect as administrative orders issued pursuant to subsection (2)(a)(iv) of this section.

2. Show Cause Hearing. The Chief Building Official or his/her designee may order any person who violates this chapter or permit or order issued hereunder to show cause why a proposed enforcement action should not be taken. Notice shall be served on the person specifying the time and place for the meeting, the proposed enforcement action and the reasons for such action, and a request that the violator show cause why this proposed enforcement action should not be taken. The notice of the meeting shall be served personally or by registered or certified mail (return receipt requested) at least ten (10) days prior to the hearing.

3. Compliance Order. When the Chief Building Official or his/her designee finds that any person has violated or continues to violate this chapter or a permit or order issued hereunder, he may issue an order to the violator directing that, following a specific time period, adequate structures or devices be installed or procedures implemented and properly operated. Orders may also contain such other requirements as might be reasonably necessary and appropriate to address the noncompliance, including the construction of appropriate structures, installation of devices, self-monitoring, and management practices.

4. Cease and Desist Orders. When the Chief Building Official or his/her designee finds that any person has violated or continues to violate this chapter or any permit or order issued hereunder, the city engineer may issue an order to cease and desist all such violations and direct those persons in noncompliance to:

    1. Comply forthwith; or

    2. Take such appropriate remedial or preventive action as may be needed to properly address a continuing or threatened violation, including halting operations and terminating the discharge into the city storm drain system. In the event the owner refuses to or is unable to provide measures to bring the site into compliance, the city engineer will, at the owner's expense, take necessary remedial or preventative actions.

3. Conflicting Standards. Whenever there is a conflict between any standard contained in this chapter and in the BMP manual adopted by the municipality under this chapter, the strictest standard shall prevail.

HISTORY
Adopted by Ord. 2018-07 on 2/1/2018

13-3-3 Penalties

1. Consistent with the provisions of Sections 4-2-15 and 19-15-115, Utah Code Annotated 1953, the municipality declares that any person, or the officers or employees of any person, who violates stormwater ordinances found in Title 13 Chapter 3 or any lawful notice or order issued pursuant to the aforementioned ordinances is guilty of an infraction.

2. Any person, or the officers or employees of any person, shall be liable for any expenses incurred by the city in abating any violation of this chapter.

3. A penalty assessment or criminal conviction under this chapter shall not relieve the person assessed or convicted from civil liability for claims arising out of any act which was also a violation.

4. In assessing either a civil or a criminal penalty, the judge may consider:

    1. The harm done to the public health or the environment;

    2. Whether the civil penalty imposed will be a substantial economic deterrent to the illegal activity;

    3. The economic benefit gained by the violator;

    4. The amount of effort put forth by the violator to remedy this violation;

    5. Any unusual or extraordinary enforcement costs incurred by the municipality;

    6. The amount of penalty established by ordinance or resolution for specific categories of violations; and

    7. Any equities of the situation which outweigh the benefit of imposing any penalty or damage assessment.

5. Recovery of Damages and Costs. In addition to the civil penalty in subsection (4) of this section, the municipality may recover: all damages proximately caused by the violator to the municipality, which may include any reasonable expenses incurred in investigating violations of, and enforcing compliance with, this chapter, or any other actual damages caused by the violation.

6. The costs of the municipality's maintenance of stormwater facilities when the user of such facilities fails to maintain them as required by this chapter.

7. Other Remedies. The municipality may bring legal action to enjoin the continuing violation of this chapter, and the existence of any other remedy, at law or equity, shall be no defense to any such actions.

8. Remedies Cumulative. The remedies set forth in this section shall be cumulative, not exclusive, and it shall not be a defense to any action, civil or criminal, that one or more of the remedies set forth herein has been sought or granted.

HISTORY
Adopted by Ord. 2018-07 on 2/1/2018

13-4 Regulation And Enforcement Of Stormwater Discharges Associated With Construction Activities

13-4-1 Purpose

The purpose of this Chapter is to prevent the discharge by storm water runoff of sediment and other pollutants from land disturbance activities such as excavating, grading, filling, or grubbing. These activities are a major source of pollution to waterways and storm drain systems located within Park City and the surrounding area. Storm water runoff carries sediment from sites where these activities occur into nearby waterways, lakes, canals, irrigation systems, and storm drain systems. Such sediment clogs storm drain systems, pollutes the water in the streams and lakes, and damages wildlife habitat and water quality.

HISTORY
Adopted by Ord. 2020-44 on 9/17/2020

13-4-2 Definitions

For the purpose of this Chapter, the definitions listed hereunder shall be construed as specified in this section.

1. ALTERNATIVE BEST MANAGEMENT PRACTICES (BMPs). BMPs that do not conform to BMP Standards identified by the City Engineer. The City Engineer may, in his discretion, approve a SWPPP containing alternative BMPs if the alternative BMPs will satisfy the objectives of this Chapter.

2. BEST MANAGEMENT PRACTICES (BMPs). Schedules of activities, prohibitions of practices, maintenance procedures, and other management practices to prevent or reduce the pollution of waters of the City. BMPs also include treatment requirements, operating

procedures, and practices to control site runoff, off-site vehicular tracking of Pollutants, spillage or leaks, sludge or waste disposal, or drainage from raw material storage.

3. BEST MANAGEMENT PRACTICES STANDARDS (BMP Standards). In order to provide uniform BMPs and to facilitate the issuance of Land Disturbance Permits, the City Engineer may identify for certain types of land Disturbance Activities certain sets of BMPs that most effectively or practicably mitigate the discharge of pollutants due to storm water. These BMP Standards may be included in any document that is maintained by the City Engineer and relates to engineering standards to facilitate the issuance of Land Disturbance Permits.

4. COMMENCEMENT OF CONSTRUCTION. The initial disturbance of soils associated with clearing, Grading or Excavating activities or other construction activities, excluding activities necessary to install erosion Control Measures under a Land Disturbance Permit.

5. COMMON PLAN PERMIT. A permit issued through the Utah State Department of Environment Quality. This permit may be commonly referred to as a Notice of Intent or NOI.

6. CONSTRUCTION GENERAL PERMIT. A Permit issued through the Utah State Department of Environment Quality. This permit may be commonly referred to as a Notice of Intent or NOI.

7. CONTROL MEASURE. Any Best Management Practice or other method used to prevent or reduce the discharge of Pollutants.

8. EXCAVATION. The mechanical removal of earth material.

9. FILL. A deposit of earth material placed by artificial means.

10. FINAL STABILIZATION. A point in time at which all Land Disturbance Activities at the site have been completed, and a uniform (e.g. evenly distributed, without large bare areas) perennial vegetative cover with a density of 70% of the native background vegetative cover for the area has been established on all unpaved areas and areas not covered by permanent structures, or equivalent permanent stabilization measures (such as the use of rip rap, gabions, or geotextiles) have been employed. In some parts of the City, background native vegetation will cover less than 100% of the ground (e.g. arid areas). Establishing at least 70% of the natural cover of native vegetation meets the vegetative cover criteria for final stabilization. For example, if the native vegetation covers 50% of the ground, 70% of 50% would require 35% cover for final stabilization.

11. GRADING. “Grading” as used in this Chapter is defined in Section 15-15-1.

12. GRUBBING. “Grubbing” as used in this Chapter is defined in Section 15-15-1.

13. LAND DISTURBANCE ACTIVITY. Any Excavation, Grading, placement of Fill, or Grubbing.

14. LAND DISTURBANCE PERMIT. A permit issued by the City Engineer authorizing the permittee to engage in specific Land Disturbance Activities. The permit may require the implementation of a SWPPP or any other conditions to mitigate the discharge of Pollutants.

15. NOTICE OF INTENT (NOI). A Construction General Permit or Common Plan Permit.

16. PERSON. Any individual, corporation, partnership, association, public utility, company or body politic, including Park City Municipal Corporation and any agency of the State of Utah and the United States Government.

17. POLLUTANT. Dredged spoil, solid waste, incinerator residue, sewage, garbage, sewage sludge, munitions, chemical wastes, biological materials, radioactive materials, heat, wrecked or discarded equipment, rock, sand, cellar dirt and industrial, municipal, and agricultural waste discharged into water.

18. SITE. Any lot or parcel of land or contiguous combination thereof, under the same ownership, where a Land Disturbance Activity is performed or permitted.

19. STORM WATER. Storm water runoff, snow melt runoff, and surface runoff or drainage.

20. STORM WATER POLLUTION PREVENTION PLAN (SWPPP). A plan for the mitigation of discharge of Pollutants from a Site, conforming to BMP Standards or identifying Alternative BMPs. At a minimum, the SWPPP shall have: a drawing of the location of the intended Land Disturbance Activity; the pertinent dimensions thereof; and the layout, typical sections, and details of the Control Measures to be used.

HISTORY
Adopted by Ord. 2020-44 on 9/17/2020

13-4-3 Prohibition On Unpermitted Land Disturbance

1. General Prohibition on Unpermitted Land Disturbance Activities. No Person shall make or cause to occur any Land Disturbance Activity except in compliance with a Land Disturbance Permit issued under Section 13-4-4.

2. Emergency Conditions. An emergency Land Disturbance Activity may be made without a Land Disturbance Permit if the reason for the excavation or grading or placement fill is to prevent imminent loss of life or damage to property. In such emergency situations, the Person making the Land Disturbance Activity shall contact the City Engineer's Office to secure a Land Disturbance Permit at the earliest possible time, but in no case later than the first working day following the emergency work. None of the provisions of this Chapter are waived for emergency situations except for the prior permit requirement.

3. Exemptions. The following activities are exempt from the requirements of this Chapter:

    1. actions by a public agency or utility, Park City, or other governmental agency to remove or alleviate an emergency condition, restore utility service, or reopen to traffic a public thoroughfare;

2. actions by any Person if the City determines and documents in writing that the actions are necessary to remove or alleviate an emergency condition, restore utility service, or reopen to traffic a public thoroughfare;

3. landscape maintenance activities on fully developed property; or

4. bona fide agricultural and farming operations which constitute the principle use of any parcel or tract of ground located in the City and which meet the requirements of the zoning for that portion of the City in which the operation is located.

HISTORY
Adopted by Ord. 2020-44 on 9/17/2020

13-4-4 Land Disturbance Permit

1. Requirements

    1. The City Engineer may issue a Land Disturbance Permit, in a form to be determined by the City Engineer, for the discharge of Pollutants associated with Land Disturbance Activities upon condition that such discharge will meet either: (a) any Best Management Practices Standards (BMP Standards) identified by the City Engineer, or (b) such conditions as the City Engineer determines are necessary to fulfill the requirements of this Chapter. A Land Disturbance Permit shall be required for any project that requires a permit under any other ordinance, development code, or building permit issued by Park City that includes any Land Disturbance Activity. Where required by state law, City permits shall require the submission of a Utah Pollutant Discharge Elimination System permit and NOI from the State of Utah Division of Water Quality.

    2. The permit holder shall comply with all provisions of the required permits at all times.

2. Applications Applications shall be made using permit forms published by the City Engineer and completed by the owner of the property on which the work is being done. Applications shall be made, in the case of work within a public right-of-way, by the firm, public utility, public agency or corporation actually doing the work, or in the case of work within a private road or private road right-of-way, by the owner of the road or association responsible for the maintenance of the road. Applications for all permits shall be made to the City Engineer's office and state the purpose therefore; the person, firm, public utility, or corporation doing the actual work; and the name of the person, firm, public utility, or corporation for whom or by which the work is being done. The application shall contain:

    1. an agreement that the applicant will comply with all ordinances and laws of Park City, the State of Utah, and the Federal Government relating to the work to be done;

2. an agreement that the applicant shall indemnify the City for any loss, liability, or damage that may result from or because of the making, placement, existence, or manner of guarding or constructing any such Land Disturbance Activity; and

3. either:

    1. a copy of the applicant's Construction General Permit or Common Plan Permit, if applicable, or

    2. a Storm Water Pollution Prevention Plan (SWPPP).

3. Fees The City Council may adopt a review and inspection fee to provide for the requirements of this Chapter. Such fee, if adopted, shall accompany each application for a permit.

4. Review and Approval of Applications

    1. The City Engineer or his designee will review each application for a Land Disturbance Permit to determine its conformance with the provisions of this Chapter. The City Engineer may, in his discretion, approve a SWPPP containing Alternative BMPs. Within fifteen (15) days after receiving an application, the City Engineer shall provide one of the following responses in writing:

        1. Approval of the permit application and issuance of the Land Disturbance Permit;

        2. Approval of the permit application, subject to such reasonable conditions as may be necessary to substantially secure the objectives of this Chapter, and issuance of the Land Disturbance Permit subject to these conditions; or

        3. Denial of the permit application, indicating the reason(s) for the denial.

    2. If the City Engineer has granted conditional approval of the permit, the applicant shall submit a revised plan that conforms to the conditions established by the City Engineer. However, the applicant shall be allowed to proceed with his land disturbance activities so long as those activities conform to the conditions established by the City Engineer.

    3. No development plans will be released until the Land Disturbance Permit has been approved and the applicant has paid in full all plan review and inspection fees.

5. Content of Permit The Land Disturbance Permit shall contain all elements required under the SWPPP or the most current Construction General Permit or Common Plan Permit, whichever is applicable to the site. The Land Disturbance Permit may require more than the minimum control requirements specified within the SWPPP or Construction General Permit or Common Plan Permit if hydrologic, geologic, or topographic conditions warrant, or if

unique flooding, stream channel erosion, or water quality problems exist upstream or downstream from a proposed project.

6. Appeals An applicant for a Land Disturbance Permit whose application has been denied or approved with conditions may appeal the denied or imposed conditions in the same manner as other impact fees, pursuant to Section 11-13-5.

HISTORY
Adopted by Ord. 2020-44 on 9/17/2020

13-4-5 Proper Operation And Maintenance

1. Installation of Control Measures The permittee shall install any Control Measures required by the Land Disturbance Permit before commencing any construction activities on the site to which the Land Disturbance Permit applies, or at such time as indicated on the Land Disturbance Permit. The Control Measures shall be properly installed and maintained in accordance with the manufacturer's specifications and good engineering practices. Prior to commencing other construction activities, the permittee shall contact the Park City Building Department to schedule an inspection of the installed Control Measures. This inspection may be performed as part of a Limits of Disturbance inspection under Sections 15-7.3-2(J), 15-7.3-3(H), or 11-15-4(K), if any such inspection is required for the same project.

2. Maintenance of Control Measures The permittee shall maintain such Control Measures on the site in good condition until the disturbed areas have achieved Final Stabilization, and the measures are no longer necessary to prevent or minimize, to the maximum extent practicable, the discharge of sediment, debris, and other Pollutants from the site by Storm Water runoff or vehicular tracking. Once any temporary Control Measures have been deemed no longer necessary, or once the site is finally stabilized, the temporary Control Measures shall be removed from the site in a timely manner.

3. Removal of Control Measures Upon completion of Land Disturbance Activities under the Land Disturbance Permit, the owner shall request an inspection from the City Engineer. Once the City inspector deems the site stabilized, the owner shall remove in a timely manner any temporary Control Measures.

HISTORY
Adopted by Ord. 2020-44 on 9/17/2020

13-4-6 Inspection And Entry

1. The permittee shall allow authorized employees and representatives of Park City, State of Utah Division of Water Quality, and the United States Environmental Protection Agency to enter the site to which the Land Disturbance Permit applies and to inspect the temporary and permanent Control Measures installed and maintained by the permittee or property owner. Such entry and inspection may be made at any time during or a reasonable time

after construction. If permanent Control Measures are required, such entry and inspection may be made in perpetuity.

2. Inspections During Construction

    1. For construction sites requiring a Construction General Permit or Common Plan Permit, inspection frequency and maintenance and repair consistent with BMPs are as defined in such permit. Sites deemed high priority by the City shall also inspected by the owner after every rainfall event in accordance with the permit.

    2. All other construction sites shall at a minimum conduct a bi-weekly visual inspection of BMPs to ensure they are in good condition. Disturbed areas and areas used for storage of materials exposed to precipitation shall be inspected for evidence of, or the potential for, pollutants entering a drainage system.

    3. Repair to BMPs shall be made in accordance with the Land Disturbance Permit or as noted in the inspection report, whichever is more stringent.

HISTORY
Adopted by Ord. 2020-44 on 9/17/2020

13-4-7 Revocation Or Suspension Of Land Disturbance Permit

1. Reasons for Revocation or Suspension. The City Engineer or his designee may revoke or suspend a Land Disturbance Permit upon the occurrence of any of the following:

    1. failure of the permittee to comply with any condition of the Land Disturbance Permit;

    2. failure of the permittee to comply with any provision of this Chapter or any other applicable law, ordinance, rule or regulation; or

    3. a determination by the City Engineer that the Control Measures implemented by the permittee pursuant to the Land Disturbance Permit are inadequate to prevent or minimize, to the maximum extent practicable, the discharge of sediment, debris or other Pollutants from the construction site by Storm Water runoff or vehicular tracking.
    Revocation or suspension of a Land Disturbance Permit shall suspend all related work on the subject property(ies).

2. Notice. Before revoking or suspending a Land Disturbance Permit, Park City shall mail the permittee written notice of non-compliance or personally serve notice to the person responsible for maintaining the erosion control and sediment control measures. The notice shall state the nature and location of the non-compliance and shall specify what action is required for the permittee to avoid revocation or suspension of the permit, which in the absence of exceptional circumstances shall not be less than 7 working days or more than 10

working days. The notice shall be sent by certified mail to the address listed for the permittee on the application or delivered in person to the responsible party on site.

3. Exceptional Circumstances. For the purposes of this Chapter, exceptional circumstances include, but are not limited to, situations which involve risk of injury to persons, damage to storm drain facilities, imminent release of Pollutants to waterways, or damage to other property. Park City may take any action deemed necessary to alleviate any such exceptional circumstances defined above and may bill the permittee, property owner, developer, or contractor responsible for creating the exceptional circumstances for the cost of alleviating said circumstance.

4. Stop Work Order. A stop work order on all construction activity on the site may be issued upon the discovery of any condition that the City Engineer or his appointed designee determines is in violation of any portion of the Land Disturbance Permit. No construction activity may be commenced or continued on any site for which a permit has been revoked or suspended and a stop work order issued until the permit has been reinstated or reissued.

5. Reinstatement. A Land Disturbance Permit may be reinstated or reissued upon review and approval of a written description of the permittee's proposed actions to bring the Control Measures into compliance with all provisions of this Chapter, or upon submission, review, and approval of a revised SWPPP.

HISTORY
Adopted by Ord. 2020-44 on 9/17/2020

13-4-8 Penalties

1. Criminal Penalties. Any person failing to comply with the provisions of this Chapter shall be guilty of a Class B misdemeanor and on conviction therefore shall be punished by fine or by imprisonment for not more than six months or by both fine and imprisonment.

2. Continuing Offenses Deemed Daily Violation. In all instances where the violation of this Chapter is a continuing violation, a separate offense shall be deemed committed on each day during or on which the violation occurs or continues.

3. Civil Penalties. In addition to criminal actions, Park City may bring for violations of this Chapter civil actions including injunctions, mandamus, abatement, civil damages, and any other remedies provided by law.

4. Additional Penalties Provided by State Law and Federal Law. In addition to municipal penalties, any person violating any provisions of this Chapter may be subject to federal and state penalties, including but not limited to Utah Code § 19-5-115.

5. Control Measures Undertaken by Park City. If a permittee fails to comply with the Land Disturbance Permit, Park City shall, in its discretion, have the right to have Control Measures installed and maintained by City personnel or to hire a private contractor to perform such work at the expense of the permittee, property owner, developer or

contractor responsible for such measures. The City may assess said expenses against a bond posted by the permittee.

HISTORY
Adopted by Ord. 2020-44 on 9/17/2020

13-4-9 Compliance With Federal And State Law

Nothing contained in this Chapter is intended to relieve any Person from any obligation to comply with applicable federal and/or state laws and any other regulations pertaining to clean water and/or storm water runoff and erosion control.

HISTORY
Adopted by Ord. 2020-44 on 9/17/2020

13-4-10 Perimeter Control Exemptions

1. Purpose. Exemptions for silt fence or other perimeter controls are for construction sites where such controls may be ineffectual, excessive, and/or detrimental to nearby water resources and other natural resources.

2. Definition. Certain construction sites may be exempt from installing silt fences or other temporary perimeter controls if the site meets the following criteria.

3. Criteria. All exemptions must be approved by the Park City Engineer and are limited to the following:

    1. projects where:

        1. total disturbance is less than 1 acre;

        2. a 50 foot wide vegetated buffer exists down gradient from the disturbed portion(s) of the site;

        3. a 100 foot wide vegetated buffer exists down gradient between the disturbed potions(s) of the site and any live stream or existing drainage way;

        4. the site and vegetated buffer have less than 5% slope (slope must be documented);

        5. and the vegetated buffer has at least 70% ground cover;

    2. linear construction projects such as pipelines or utility work that do not discharge to waterways; or

    3. Sites bound by natural or man-made features that would prohibit discharge from the Site.

HISTORY
Adopted by Ord. 2020-44 on 9/17/2020

13-4-11 Severability

Should any section, paragraph, sentence, clause, or phrase of this Chapter be declared unconstitutional or invalid for any reason, the remainder of this Chapter shall not be affected thereby.

HISTORY
Adopted by Ord. 2020-44 on 9/17/2020

13-4-12 Effective Date

This Chapter shall become effective after publication of such in accordance with applicable state law.

HISTORY
Adopted by Ord. 2020-44 on 9/17/2020

13-5 Regulation And Enforcement Of Storm Water Discharges Associated With Post-Construction Activities

13-5-1 Purpose

The purpose of this Section is to establish minimum Storm Water Management (as defined herein) requirements and controls for Post-Construction activities. This Section outlines requirements to protect and safeguard the Long-Term general health, safety, and welfare of the public residing within the City (as defined herein) and surrounding Watersheds (as defined herein), and to control the adverse effects of Post-Construction Runoff and Nonpoint (as defined herein) and Point Source pollution associated with Development (as defined herein) and Redevelopment projects. This Chapter seeks to meet that purpose through the following objectives:

1. Minimize the impact of Runoff from any Development or Redevelopment activities in order to reduce flooding, siltation, and pollution of Waters of the State of Utah.

2. Minimize increases in Nonpoint Source pollution caused by Runoff from Development and Redevelopment projects which could otherwise degrade water quality.

3. Minimize the total annual volume of Runoff which flows from any specific Site, during and following Development or Redevelopment, to not exceed the pre-Development hydrologic regime to the maximum extent practical.

4. Reduce Runoff rates and volumes, soil erosion and Nonpoint Source pollution, wherever possible, through Storm Water Management controls and to ensure that these management controls are properly maintained and pose no threat to public safety.

5. Provide Long-Term responsibility for and Maintenance (as defined herein) of Storm Water Management Facilities System (as defined herein).

6. Establish legal authority to carry out all the Inspection (as defined herein) and monitoring procedures necessary to ensure compliance with this Chapter.

7. Regulate the contribution of Pollutants to the City's MS4 by Storm Water Discharges from Development and Redevelopment activities.

8. Enable the City to comply with the Utah Pollution Discharge Elimination System Permit (UPDES) (as defined herein) and applicable federal regulations.

9. Facilitate compliance with state and federal standards and Permits by landowners, owners of construction Sites, Developments, and permanent Storm Water Management Facilities within the City.

This Chapter shall be applicable to:

1. All subdivision or Development applications greater than 1 acre in size;

2. Any new Development or Redevelopment that changes ten percent (10%) or more of the impervious area located on the Property;

3. Any new Development or Redevelopment regardless of size that is identified by the City to be in an area where the land use has the potential to generate highly contaminated Runoff; or

4. Any land Development activities that are smaller than the minimum applicability criteria if such activities are part of a Master Planned Development (as defined in MCPC § 15-15-1) or annexation.

HISTORY
Adopted by Ord. 2021-17 on 4/15/2021

13-5-2 Definitions

For the purpose of this Chapter, the definitions listed hereunder shall be construed as specified in this Section. Additionally, definitions set out in MCPC § 13-4-2 shall apply to this Chapter 5. In the event a definition in Chapter 4 is different than a definition in this Chapter 5, the definition in this Chapter 5 shall control.

APPLICANT. Person applying for a Permit with the City.

CHANNEL. A natural or constructed watercourse with a definite bottom surface or bed and sides or banks that conducts flowing water continuously or periodically.

CITY. Park City Municipal Corporation, a municipality incorporated in the state of Utah, and its governing body, employees, and authorized representatives.

CITY ENGINEER. The City Engineer of Park City, or authorized designee.

DEVELOPMENT. Any manmade change in real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations or storage of equipment or materials.

DEVELOPER. A Person, contractor, or entity that is physically doing the Development or Redevelopment.

DISCHARGE. Refers to discharges from the Municipal Separate Storm Sewer System (MS4).

EASEMENT. An acquired privilege or right of use or enjoyment that a Person, party, firm, corporation, municipality or other legal entity has in the land of another.

FACILITY. A place, amenity, or piece of equipment provided for a particular purpose.

INSPECTION. The act of visiting an On-Site or Off-Site Facility or Property by authorized officials or individuals for the purpose of observing and documenting activities, operations or conditions pertaining to a City issued Permit or such activities requiring said Permit. All Facilities shall be subject to Inspection by any law enforcement agency or by any designated agent of the City as well as by the Summit County Health Department or State board of health, or State Department of Environmental Services. It shall be unlawful for any permittee to refuse access to a Facility.

LOW IMPACT DEVELOPMENT (LID). An approach to land Development (or Redevelopment) that works with nature to more closely mimic pre-Development hydrologic functions. LID employs principles such as preserving and recreating natural landscape features, minimizing effective imperviousness to create functional and appealing site drainage that treat storm water as a resource rather than a waste product. Examples of LID include bio-retention facilities, rain gardens, vegetated rooftops, rain barrels, and permeable pavements.

MAINTENANCE. Any activity that is necessary to keep a Storm Water Facility in good working order so as to function as designed. Maintenance shall include complete reconstruction of a Storm Water Facility if reconstruction is needed in order to restore the Facility to its original operational design

parameters. Maintenance shall also include the correction of any problem on the Site that may directly impair the functions of the Storm Water Facility.

MAINTENANCE AGREEMENT. A deed restriction recorded in the office of the Summit County Recorder which provides for Long-Term Maintenance of Storm Water Management practices.

MUNICIPAL SEPARATE STORM SEWER SYSTEM (MS4). Means the conveyances owned or operated by the City for the collection and transportation of stormwater, including roads and streets and their drainage systems, catch basins, curbs, gutters, ditches, Channels, stormwater ponds, basins, wetlands and storm drains.

NONPOINT SOURCE. Any source of water pollution that is not a Point Source.

NOTICE OF VIOLATION (NOV). Written notice issued by the City Engineer whenever the City Engineer finds that a Person or entity is in noncompliance with this Chapter; the City Engineer shall order compliance by written notice of Violation to the Responsible Party or registered agent or entity. Requirements in this notice are at the discretion of the City Engineer, and may include monitoring, payment to cover costs relating to the noncompliance, and the implementation of BMP's or ABMP's.

OFF-SITE FACILITY. Structural BMP or a System located outside the subject Property boundary described in the Permit application for land Development activity.

ON-SITE FACILITY. Structural BMP or a System located within the subject Property boundary described in the Permit application for Development activity.

PERMIT. An official document giving a Person or Developer authorization to do something.

POINT SOURCE. Any discernible, confined, and discrete conveyance from which Pollutants are or may be discharged. This includes but is not limited to any pipe, ditch, Channel, tunnel, conduit, well, discrete fissure, container, rolling stock, concentrated animal feeding operation, or vessel or other floating craft. This term does not include agricultural stormwater discharges and return flows from irrigated agriculture.

POST-CONSTRUCTION. Time Period for which the "completion" date has already passed and the structure, Facility, or equipment is in use by the City, Developer, Property owner or other Persons.

PROPERTY. Both real and personal property.

REDEVELOPMENT. Any new construction on a Site that has pre-existing uses or Developments.

RESPONSIBLE PARTY. Responsible Party means any entity holding fee title to the Property, contracted to manage the Property, or in actual or apparent control of the Property.

RUNOFF. Water that travels across the land surface, or laterally through the ground near the land surface, and discharges to water bodies either directly or through a collection and conveyance system. Runoff includes storm water and water from other sources that travels across the land surface.

STORM WATER DRAINAGE DESIGN MANUAL. Current Park City Storm Water standards and regulations as adopted by the City.

LONG-TERM STORM WATER MANAGEMENT PLAN (SWMP). The programs to maintain quality and quantity of Storm Water Runoff to pre-Development levels indefinitely.

STORM WATER MANAGEMENT FACILITIES SYSTEM (System). The drainage structures, conduits, ditches, combined sewers, sewers, and all device appurtenances by means of which Runoff is collected, transported, pumped, treated or disposed of.

STORM WATER MANAGEMENT PLAN (SWMP). The set of drawings and other documents that comprise all the information and specifications for the programs, drainage systems, structures, BMPs, concepts and techniques intended to maintain or restore quality and control quantity of Runoff to pre-Development levels.

STRUCTURAL BMPs. Devices that are constructed to provide control of Runoff.

UNTREATED STORM WATER. Water that leaves the Site or Property prior to going through a Water Quality Device.

UTAH POLLUTION DISCHARGE ELIMINATION SYSTEM (UPDES). The state/national program for issuing, modifying, revoking and reissuing, terminating, monitoring and enforcing Permits, and imposing and enforcing pretreatment requirements, under Sections 307, 318, 402, and 405 of the federal Clean Water Act, as amended.

VIOLATION. Means the failure of a structure, Person, or other Development to be fully compliant with this Chapter 5; the community's standards and rules; and the City's MS4's regulations pertaining to the UTAH POLLUTION DISCHARGE ELIMINATION SYSTEM (UPDES).

WATERSHED. All the land area that contributes Runoff to a particular point along a waterway.

WATER QUALITY DEVICE. Any BMP, activity, or other method used to prevent or reduce the Discharge of Pollutants.

HISTORY
Adopted by Ord. 2021-17 on 4/15/2021

13-5-3 Long-Term Storm Water Management

1. No Development or Redevelopment activity will commence on a Site subject to this Chapter until a Long- Term SWMP detailing in concept how Storm Water Runoff and associated water quality impacts resulting from the Development or Redevelopment will be controlled or managed. The Long-Term SWMP shall be prepared by a licensed engineer and must indicate whether Storm Water will be managed On-Site or Off-Site and, if On-Site, the general location and type of practices, structures, devices or activities that will be employed. The Long-Term SWMP shall provide specifications, Maintenance frequencies, and

Inspection criteria for all facilities constructed on the Site along with procedural practices that will be used to minimize the presence of Pollutants in Runoff.

2. Maintenance Agreements. All Storm Water practices shall be maintained in accordance with the approved and recorded Storm Water Maintenance Agreement and Long-Term SWMP.

3. General Performance and Site Design Criteria

    1. Performance Criteria. The following performance criteria shall be addressed for Storm Water Management at all Sites governed by this Chapter:

        1. For the Development or Redevelopment Site, all Storm Water Management practices will be designed to accommodate a minimum of a twenty-five (25) year storm event with a maximum release rate equal to the existing undeveloped Site conditions. In cases when the existing Site conditions have been disturbed or improved from native vegetation the Site shall use a reasonable release rate similar to that of a neighboring undisturbed land. All Sites must retain the first .50 inches of precipitation by incorporating LID into the design. All water storage and water quality standards must convey and or detain the twenty-five (25) year storm event, unless approved by the City Engineer

        2. These practices should seek to utilize LID for Storm Water treatment and to infiltrate Storm Water Runoff from driveways, sidewalks, parking lots, and other impervious areas to the maximum extent practical to provide treatment for both water quality and quantity. The process shall include evaluations of BMPs considered and the reasons they have or have not been selected. All rooftop drainage is required to drain to landscaped areas unless otherwise approved by the City Engineer. Infiltration shall not be permitted within the soil ordinance boundaries (https://www.parkcity.org/departments/building-and-fire-safety/soil-ordinance), alternative practices shall be required to maintain water quantity and quality.

        3. All Storm Water Runoff generated from new Development or Redevelopment Sites shall not Discharge Untreated Storm Water directly into a naturally occurring wetland or waters of the State of Utah including the Storm Water system without treatment to the maximum extent practical as determined by the City Engineer. In no case shall the impact on wetlands be any more than allowed by the United States Army Corps of Engineers (USACE) mitigation rule (33 CFR Part 332).

        4. Each SWMP shall include an assessment of Post-Construction Storm Water impacts upon downstream and upstream properties. The assessment of Storm Water quality and quantity impacts shall be based on the standards contained within this Chapter, at a minimum. The assessment of upstream

impacts must be provided, at a minimum, for Property or properties located immediately upstream and/or adjacent to the proposed Development or Redevelopment. The assessment of downstream impacts shall be made by evaluating a Site's contribution to Storm Water Runoff to a suitable downstream point.

5. If hydrologic or topographic conditions warrant greater control than that provided by the minimum control requirements established in the Storm Water Drainage Design Manual, the City reserves the right to impose any and all additional requirements deemed necessary to control the volume, timing, rate of Runoff and Pollutant loading.

2. Site Design Feasibility. Storm Water Management practices for a Site shall be chosen based on the physical conditions of the Site. Among the factors that should be considered:

    1. Topography
    2. Drainage Area(s)
    3. Soils
    4. Slopes
    5. Terrain
    6. Location in relation to environmentally sensitive features
    7. Receiving waters

3. Conveyance Issues. All Storm Water Management practices shall be designed to convey Storm Water to allow for the maximum removal of Pollutants and reduction in flow velocities.

4. Pretreatment Requirements. Every Storm Water treatment practice shall have an acceptable form of water quality pretreatment. The proposed pretreatment shall address the anticipated Pollutants that would normally be expected from the proposed Development. Approval by City of pretreatment devices is required before work can begin. The use of LIDs is encouraged, and evaluation documentation is required.

5. Protection of Point of Discharge. Discharge from any on-site System into any Channel or feature, shall be designed and constructed so that the Discharge does not cause damage to Off-Site Facilities, Properties, Wetlands, or Sites.

6. Protection of Receiving Channels and Waters. Receiving Channels and water bodies (On-Site and/or Off-Site) shall be evaluated to ensure that downstream Channels are not eroded and/or degraded by altered Storm Water flows from Development or

Redevelopment. Acceptable mitigation alternatives include on-Site detention to reduce Post-Construction Runoff rates and volumes and Channel Stabilization measures to control Channel degradation.

7. Design of Water Impounding Structures (Dams). Any proposed water impounding structure (dam) shall be designed in accordance with Utah Dam Safety standards R655-11, as amended, and if required, shall be reviewed and approved by the Utah Dam Safety Engineer. Proof of compliance with this requirement shall be provided by the Applicant for any Permit issued by the City.

4. Storm Water Drainage Design Manual

    1. The City reserves the right to furnish additional policy, criteria and information including specifications and standards in the form of a revised Storm Water Drainage Design Manual. The adopted Design Manual is applied to a project when a formal application for a Permit is made.

HISTORY
Adopted by Ord. 2021-17 on 4/15/2021

13-5-4 Maintenance Agreement

1. Maintenance Agreements. Maintenance of all Systems shall be ensured through the creation of a formal Maintenance Agreement. All applicants shall sign the standard Maintenance Agreement established by the City Engineers Office unless approved otherwise by the City Engineer.

HISTORY
Adopted by Ord. 2021-17 on 4/15/2021

13-5-5 Compatibility With Other Permit And Ordinance Requirements

This Chapter is not intended to interfere with, abrogate, or annul any other ordinance, code, rule or regulation, statute, or other provision of law. The requirements of this Chapter should be considered minimum requirements, and where any provision of this Chapter imposes restrictions different from those imposed by any other ordinance, code, rule or regulation, or other provision of law, whichever provisions are more restrictive or impose higher protective standards for human health or the environment shall be considered to take precedence.

HISTORY
Adopted by Ord. 2021-17 on 4/15/2021

13-5-6 Proper Operation And Maintenance

1. Maintenance Easement. Prior to commencing Development or Redevelopment activities on a Site, the Applicant or Responsible Party of the Site must record in the office of the Summit County Recorder a Maintenance Agreement that shall be binding on all subsequent owners

of land served by a System. The Maintenance Agreement shall provide for access to the subject Property at reasonable times for periodic Inspection by the City, or its contractor or agent, to ensure that the Storm Water controls are maintained in proper working condition to meet design, water quality standards and any other provisions established by this Chapter.

2. Records of Installation and Maintenance Activities. Parties responsible for the operation and Maintenance of a Long-Term System shall make records of the installation and of all Maintenance and repairs, and shall retain the records for at least five (5) years. These records shall be made available to the City during Inspection of the Facility and at other reasonable times upon request. These records shall contain all of the following:

    1. The name and address of the landowner;

    2. A statement that an Inspection was made of all Structural BMPs;

    3. The date the Inspection was made; and

    4. A statement that all inspected Structural BMPs are performing properly and are in compliance with the terms and conditions of the approved Maintenance Agreement required by this Chapter. Treatment requirements, operating procedures, and practices to control Runoff from a Site will be monitored and corrective actions will be taken if installed BMPs are not operating as expected.

3. Failure to Maintain Practices. If a Responsible Party fails or refuses to meet the requirements of the Maintenance Agreement, the City, after reasonable notice, may correct a Violation of the design standards or Maintenance needs by performing all necessary work to restore the System in compliance with this Chapter. In the event that the System becomes a danger to public safety or public health, the City shall notify the Responsible Party for Maintenance of the System in writing. Upon receipt of that notice, the Person responsible shall have five (5) calendar days to complete Maintenance and repair of the Facility as approved by the City. The City may assess the Responsible Party of the System for the cost of repair work and any penalties. If the Responsible Party does not reimburse the City for all work performed within 60 days, the City may place a lien on the Property and/or pursue all remedies available at law or in equity.

HISTORY
Adopted by Ord. 2021-17 on 4/15/2021

13-5-7 Inspection And Monitoring

1. Inspections: Whenever necessary to make an Inspection to enforce any provision of this Chapter, or whenever the City has cause to believe that there exists, or potentially exists, a condition which constitutes a Violation of this Chapter, the City may enter the Property/Site on which the System is located. Failure to comply with the terms of this Chapter may result in punitive actions by the City, Summit County Health Department, UDEQ, the U.S.

Environmental Protection Agency, or by other means identified in Permits or terms set forth in Development applications.

1. Permanent Structural Systems. These facilities must be inspected by the City at least once during installation.

HISTORY
Adopted by Ord. 2021-17 on 4/15/2021

13-5-8 Penalties And Enforcement Authority

Refer to MCPC § 13-3-2 and 13-3-3 for penalties applicable to this Chapter.

HISTORY
Adopted by Ord. 2021-17 on 4/15/2021

13-5-9 Severability

1. Should any Section, paragraph, sentence, clause, or phrase of this Chapter be declared unconstitutional or invalid for any reason, the remainder of the Chapter shall not be affected thereby.

HISTORY
Adopted by Ord. 2021-17 on 4/15/2021

13-5-10 Effective Date

1. This Chapter shall become effective after publication of such in accordance with applicable state law.

HISTORY
Adopted by Ord. 2021-17 on 4/15/2021

13-6 Stormwater Utility

HISTORY
Adopted by Ord. 2016-24 on 6/2/2016

13-6-1 Purpose

The City finds and declares that absent effective maintenance, operation, regulation and control, existing Stormwater drainage conditions in all areas within the City constitute a potential hazard to the health, safety and general welfare of the City. The City Council further finds that natural and manmade Stormwater facilities and conveyances constitute a Stormwater system and that effective improvement, regulation, treatment, and control of Stormwater through formation by the City of a Stormwater utility requires the transfer of all Stormwater facilities and conveyances to a separate enterprise account.

HISTORY
Adopted by Ord. 2016-24 on 6/2/2016

13-6-2 Definitions

For the purpose of this chapter, the following definitions shall apply:

"City" means Park City, a municipal corporation of the state of Utah.

"Public Utilities Director" means the Park City Public Utilities Director or his or her designee.

"County" means Summit County or Wasatch County.

"Commercial Property" means land that is not Single-Family Residential Property, Multi-Family Residential Property, or Undeveloped parcel.

"Customer" or **"Person"** means any individual; public or private corporation and its officers; partnership; association; firm; trustee; executor or administrators of an estate.

"Equivalent surface unit (ESU)" means a defined unit equal to 2,000 square feet of Impervious surface area.

"Impervious surface" means a parcel's hard surface area that causes water to run off its surface in quantities or speeds greater than under natural conditions. Some examples of Impervious surfaces are rooftops, concrete or asphalt paving, walkways, patios, driveways, parking lots or storage areas, and gravel that has been subject to surface traffic, including compacted gravel surfaces.

"Multi-Family Residential Property" means land containing more than one single-family dwelling unit. When served by Park City Water these are multiple single-family dwellings served by a single meter or one large meter, with a small meter bypass. Any use other than residential or irrigation shall result in classification as a Commercial meter.

"Single-Family Residential Property" means land containing a single-family dwelling unit. When served by Park City water these are served by a single meter.

"Stormwater system" means a conveyance or system of conveyances (including roads with drainage systems, catch basins, curbs, gutters, ditches, natural or man-made channels, ground water drain systems, or storm drains) pursuant to Utah Administrative Code R317-8-1.6(4), (7), &

(14), or designated under Utah Administrative Code R317-8-3.9(1)(a) et seq. that is owned or operated by the City, which has jurisdiction over disposal of wastes, Stormwater, or other wastes; that is designed or used for collecting or conveying Stormwater.

"Stormwater" means stormwater runoff, snowmelt runoff, and surface runoff and drainage.

"Stormwater utility" or **"utility"** means the utility created by this chapter, which operates, maintains, regulates, and improves Stormwater systems and programs within the City.

"Undeveloped parcel" means any parcel that has not been altered by grading, filling, or construction.

HISTORY
Adopted by Ord. 2016-24 on 6/2/2016

13-6-3 Stormwater Utility Created

There is hereby created and established a Stormwater utility and service charge structure. The utility will have regulatory authority and responsibility for planning, design, construction, maintenance, administration and operation of all City Stormwater systems, conveyances, and facilities.

HISTORY
Adopted by Ord. 2016-24 on 6/2/2016

13-6-4 Maintenance Of City Stormwater System And Assets

The utility shall operate, maintain, and improve all existing City Stormwater systems used for the conveyance of Stormwater, through, under or over lands or watercourses, beginning at a point where the Stormwaters first enter the Stormwater system of the City and ending in each instance at a point where the Stormwater exits the system. Stormwater facilities do not include government-owned streets or those Stormwater facilities operated and maintained by, or for, a County or the State of Utah.

HISTORY
Adopted by Ord. 2016-24 on 6/2/2016

13-6-5 Utility Administration

The Stormwater utility shall be administered by the Public Utilities Director.

HISTORY
Adopted by Ord. 2016-24 on 6/2/2016

13-6-6 Service Charge Imposed

All Persons otherwise responsible for Impervious surfaces within the City which contribute runoff to the Stormwater system or who otherwise use or benefit from the Stormwater utility of the City will be responsible for paying the Stormwater utility fees as set forth in the Park City Fee Schedule.

HISTORY
Adopted by Ord. 2016-24 on 6/2/2016

13-6-7 System Of Rates And Charges

1. **Service Fees Imposed.** The City shall impose Stormwater drainage fee rates and charges within the City except City-owned or operated facilities, public streets, a County or the State of Utah. The charges shall fund the administration, planning, design, construction, stream water quality programming, operation, maintenance, and repair of existing and future Stormwater facilities.

2. **Methods of Determining Contribution of Stormwater and Property Classifications.** Impervious surfaces serve as the basis of the Stormwater service fee. Impervious surfaces reduce infiltration and increase surface runoff, thereby increasing the amount and rapidity of Stormwater. 2,000 square feet of Impervious surface is herein defined as an ESU. Private roads shall be considered in a property's ESU calculation. If Commercial Property and Multi-Family Property both benefit from the same roof, sidewalks, parking area, or other impervious area, the roof may be assigned to the Multi-Family area, and the sidewalks and parking area may be assigned to the Commercial Property. If multiple customers benefit from the same impervious area those owners may request the City bill that impervious area to a mutually agreed upon customer.

    1. Single-Family Residential Property. Single-Family Residential Properties shall be billed a set number of ESU(s) based on where the home is located on a map provided in the City's Fee Schedule or based on an individual assessment of the property.

    2. Multi-Family Residential Property. Multi-Family Residential Property shall be billed one ESU per unit.

    3. Commercial Properties. Commercial Properties shall be billed by reviewing aerial imagery to determine the Impervious surface and then rounding the Impervious surface up to a whole ESU.

    4. Undeveloped Parcels. Undeveloped parcels shall have no charges assessed.

3. **Method of Determining Service Fee Rates.** The charge for an ESU shall be set forth in the City Fee Schedule.

HISTORY
Adopted by Ord. 2016-24 on 6/2/2016

13-6-8 Billing And Collection

1. **Utility Enterprise Fund.** This chapter creates the Stormwater utility fund. All revenues received from Stormwater utility fees shall be placed in the enterprise fund as a designated fund, to be left separate and apart from all other City funds. The collection, accounting, and expenditure of all Stormwater utility funds shall be in accordance with the Utah Uniform Fiscal Procedures Act.

2. **Billing.** The City shall bill, or cause to be billed, property owners or other party if authorized by the owner for Stormwater utility services. If a party authorized by the owner fails to stay current, the responsibility for any fees and charges shall revert to the owner. Fees and charges shall be considered delinquent if not paid as determined by the procedures established by the City and shall be a debt to the City, which shall be subject to recovery in a civil action.

3. The City shall send a monthly or bi-monthly billing. Payment is due within fifteen (15) days from receipt of the bill, or by the end of the month when the bill is mailed whichever is later. Interest shall be assessed against all accounts which are more than thirty (30) days past due at the rate of one and a half percent (1½%) per month, which is an annual rate of eighteen percent (18%). An account is due and payable upon mailing of the monthly statement, and interest will be assessed if the bill, or any portion of the bill, remains unpaid thirty (30) days from mailing. Interest will be charged only against the unpaid balance, and not against any partial payment, or against the current billing cycle charges.

4. **Unified Bill.** All service charges, costs, fees, and penalties for water and Stormwater utility services by the City shall be billed for and collected on a single, unified bill. A partial payment shall first be credited to any penalties, interest and fees, and may then be applied to past due stormwater billings, followed by past due water billings.

HISTORY
Adopted by Ord. 2016-24 on 6/2/2016

13-6-9 Adjustments

1. Any Customer who disagrees with ESU determination, as provided in this chapter, for his or her property may apply to the Public Utilities Director for a recalculation. The request must be received on a form provided by the City and must be filed in writing with the Public Utilities Director no later than 30 days after receipt of the most recent billing. The Public Utilities Director or designee shall review the request and basis for user charges consistent with this chapter, and may approve an adjustment to the fee.

    1. Single-Family Residential Property. Single-Family Residential Properties may request an individual review of their property. A written request shall result in

reviewing aerial imagery of the requested property. The actual Impervious surface area will be calculated, and the result will be rounded up to nearest whole ESU.

2. Multi-Family Residential Property. Multi-Family Residential Properties may request an individual review of their property. A written request shall result in reviewing aerial imagery of the requested property. The actual Impervious surface area will be calculated, and the result will be rounded up to the nearest whole ESU.

3. Commercial Properties. Commercial Properties may request a copy of their individual ESU determination, and may provide comment on the accuracy of said determination. Adjustments may be made in consultation with the Public Utilities Director. Commercial Properties shall be billed by rounding up the Impervious surface area to the nearest whole ESU.

4. Undeveloped Parcels. Undeveloped parcels shall have no charges assessed.

2. **Administrative Relief**. The Public Utilities Director may provide administrative relief from any fees and charges following application to the City and in cases of hardship or unusual circumstances.

3. **Application of Adjustment**. If an adjustment is made, credit shall be applied to all charges from the time of the request, except that any request for an adjustment made prior to June 30, 2017 may be applied retroactively to all billing since July 1, 2016.

HISTORY
Adopted by Ord. 2016-24 on 6/2/2016

13-6-10 Appeal To Administrative Law Judge

An appeal of a Public Utilities Director's decision may be brought before a City provided administrative law judge within 30 days of the Public Utilities Director's decision. The review shall be made on the basis of whether the Public Utilities Director's decision was arbitrary and capricious. The decision of the administrative law judge shall be final and conclusive.

If an appeal of charges is successful, credit shall be applied to all charges from the time of the request unless equity should require a greater period of time, and shall be reflected on a future billing after the appeal is decided in favor of the appellant, in whole or in part.

HISTORY
Adopted by Ord. 2016-24 on 6/2/2016

Appendix F

Current State Permits and Documents Regulating the Park City Stormwater Program

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1. General Permit for Discharges from Small Municipal Separate Storm Sewer Systems (MS4s)
2. General Permit for Storm Water Discharges from Construction Activities
3. General Storm Water Permit for Construction Activity Connected with Single Lot Housing Projects (Common Plan Permit)

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STATE OF UTAH DEPARTMENT OF ENVIRONMENTAL QUALITY
DIVISION OF WATER QUALITY

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

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

UPDES PERMIT NUMBER UTR090000

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

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

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

This Permit shall become effective May 12th, 2021.

This Permit and the authorization to discharge shall expire at midnight, May 11th, 2026, except as described in Part 6.3 of this Permit.

Signed this 11th of May, 2021.

John Mackey (May 12, 2021 06:59 MDT)

John K. Mackey, P.E.
Acting Director

DWQ-2021-008110

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

TABLE OF CONTENTS

1.0 Coverage Under this Permit

1.1. Authority to Discharge

This General Permit authorizes the discharge, to waters of the state of Utah, of storm water from a Small MS4 as defined in R317-8-1.6(15) and Part 7.0. of this Permit. This authorization is subject to all of the terms and conditions of this Permit. This General Permit does not authorize discharges prohibited under Part 1.4. of this Permit.

1.2. Permit Area and Eligibility

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

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

1.2.1.1.1 It applies to an operator of a Small MS4 within the State of Utah.

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

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

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

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

1.2.2. The following are types of authorized discharges:

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

1.2.2.2. *Non-storm water discharges.* The following non-storm water discharges do not need to be addressed unless the Permittee or the *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 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 pre-empt or supersede the authority of local agencies to prohibit, restrict, or control discharges to storm drain systems or other water courses within their jurisdiction.

1.4. Limitations on Coverage

This Permit does not authorize:

1.4.1. Discharges that are mixed with sources of non-storm water unless such non-storm water discharges are in compliance with a separate UPDES Permit or are determined not to be a substantial contributor of pollutants to waters of the state.

1.4.2. Storm water discharges associated with industrial activity as defined in *Utah Administrative Code (UAC) R317-8-11.3(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 a Notice of Intent is submitted. If conditions change after coverage is issued, the coverage may remain active provided the conditions and requirements of Part 3.1. of this Permit are complied with.

2.0 Notice of Intent and Storm Water Management Program Requirements

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

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

2.1.3. Within **180 days** of notification from the *Director*, the operator of the MS4 shall submit a NOI form as provided by the Division at https://documents.deq.utah.gov/water-quality/permits/updes/DWQ-2018-001322.pdf. (The *Director* retains the right to grant permission for a later submission date when a good cause has been demonstrated). One original completed NOI shall be submitted, by mail or hand delivery to:

Attention: MS4 Coordinator
General Permitting Section
Department of Environmental Quality
Division of Water Quality
195 North 1950 West
PO Box 144870
Salt Lake City, UT 84114-4870

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

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

2.1.6. Implementation of the Permittee's SWMP must include the six minimum control measures, including development of Measurable Goals, as described in Part 4.2. Measurable Goals for each of the minimum control measures must include, at a minimum, the year by which the Permittee will undertake required actions, including: interim milestones and the frequency of the action (if applicable.)

2.1.7. Implementation of the Permittee's SWMP as described in the Permittee's application is required to begin within **30 days** after the completed application is submitted. The

Permittee must fully develop and implement the SWMP as discussed in Part 4.0 of the Permit by the end of the Permit term unless a more restrictive timeframe is indicated.

2.1.8. If an Operator is designated by the *Director* as requiring Permit coverage later than one year after the effective date of this General Permit, the *Director* may approve alternative deadlines that would allow the Permittee to have its program areas implemented.

2.2. Contents of the Notice of Intent

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

2.2.1. Name, address, and telephone number of the principal executive officer, ranking elected official or other duly authorized employee in charge of municipal resources used for implementation of the SWMP;

2.2.2. Name(s)/ identification of waters of the state as defined by UAC R317-1-1that receive discharges from the Permittee's MS4;

2.2.3. Name of the person responsible for overseeing implementation and coordination of the SWMP;

2.2.4. Summary description of the overall water quality concerns, priorities, and measurable goals specific to the Permittee that were considered in the development of the SWMP;

2.2.5. The SWMP document shall consist of, at a minimum, a description of the program elements that will be implemented (or already exist) for each of the SWMP minimum control measures. The plan must be detailed enough for the *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. Permittees which are applying as Co-Permittees shall each submit an NOI and individual SWMP document which will clearly identify the areas of the MS4 for which each of the Co-Permittees are responsible. Permittees which are relying on another entity (ies) to satisfy one or more of their Permit obligations shall include with the NOI, a summary of the Permit obligations that will be carried out by the other entity (ies). During the term of the Permit, Permittees may terminate or amend shared responsibility arrangements by notifying the *Director*, provided this does not alter implementation deadlines.

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

2.3. Storm Water Management Program Plan Description for Renewal Permittees

2.3.1. The requirements of this part apply only to **Renewal Permittees** that were previously covered under the last MS4 General Permit. New Applicants are not required to meet the requirements of this Part and must follow the requirements of Part 2.0.

2.3.2. Renewal Permittees must submit a **revised SWMP document** to the *Director* within **180 days** of the effective date of this Permit, which includes at a minimum, the following information:

2.3.2.1. Permit number;

2.3.2.2. MS4 location description and map;

2.3.2.3. Information regarding the overall water quality concerns, priorities, measurable goals, and interim milestones specific to the Permittee that were considered in the development and/or revisions to the SWMP document;

2.3.2.4. A description of the program elements that will be implemented (or are already being implemented) in each of the six minimum control measures (see Part 4.0);

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

2.3.2.6. A description of how the Permittee intends to meet the requirements of the Permit as described in Part 4.0 by either referencing existing program areas that already meet the Permit requirements or a description and relevant measurable goals that include, as appropriate, the year by which the Permittee will achieve required actions, including interim milestones.

2.3.2.7. Indicate the joint submittal(s) of Co-Permittees (if applicable) and the associated responsibility (ies) in meeting requirements of the SWMP.

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

2.3.2.9. The revised SWMP document must contain specific details for complying with the required items in each of the six minimum control measures contained within the SWMP document (See Part 4.2.).

3.0 Special Conditions

3.1. Discharges to Water Quality Impaired Waters

3.1.1. Applicability:

3.1.1.1. Permittees must 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://enviro.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 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 must 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 must comply with all requirements associated with the TMDL in addition to the requirements of Part 3.1.2. If no TMDL has been approved, the Permittee must comply with Part 3.1.2. and will be required to meet any TMDL requirements once it is developed and approved.

3.1.2. If the Permittee discharges to an impaired waterbody, the Permittee must include in its SWMP document a description of how the Permittee will control the discharge of all pollutants of concern. This description must identify the measures and BMPs that will collectively control the discharge of the pollutants of concern. The measures should be presented in the order of priority with respect to controlling the pollutants of concern.

3.1.3. Where a discharge is already authorized under this Permit and is later determined to cause or have the reasonable potential to cause or contribute to the violation of an applicable water quality standard, the *Director* will notify the Permittee of such violation(s). The Permittee must take all necessary actions to ensure future discharges do not cause or contribute to the violation of a water quality standard and document these actions as required by the *Director*. If violations remain or re-occur, coverage under this Permit may be terminated by the *Director* and an alternative General Permit or Individual 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. Nitrogen and Phosphorus Reduction

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

3.2.1.1. The Permittee can meet the requirements of this section through contribution to a collaborative program (e.g. storm water coalitions) that evaluates, identifies, and targets sources, as well as provides outreach that addresses potential sources within the Permittee's watershed.

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

3.2.1.3. 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 that the target source can take to reduce nitrogen and phosphorus. The Permittee may incorporate the education and outreach to meet this requirement into the education and outreach strategies provided in accordance with Permit Part 4.2.1.

3.3. Co-Permittees

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

3.3.2. In order to be permitted as Co-Permittees, the MS4(s) must each submit an NOI which meets the requirements outlined in Permit Part 2.0. Each description of the MS4(s) Storm Water Management Program Plan(s) must clearly describe which Permittees are responsible for implementing each of the minimum control measures.

3.3.3. Each Co-Permittee is individually liable for:

3.3.3.1. Permit compliance for discharges from portions of the MS4 where it is the operator and for areas within its legal jurisdiction;

3.3.3.2. Ensuring that the six minimum control measures described in Part 4.2 are implemented for portions of the MS4 where it is the operator and in areas within its legal jurisdiction; and

3.3.3.3. If any Permit conditions are established for specific portions of the MS4, Co-Permittees need only comply with the Permit conditions relating to those portions of the MS4 for which they are the operator.

3.3.4. Each Co-Permittee is jointly liable for compliance with annual reporting requirements identified in Part 5.5, with the exception that a Co-Permittee is individually liable for any parts of the annual report that relate exclusively to portions of the MS4 where it is the operator.

3.3.5. Specific Co-Permittees are jointly liable for Permit compliance on portions of the MS4 as follows:

3.3.5.1. Where operational or SWMP implementation authority over portions of the MS4 has been transferred from one Co-Permittee to another in accordance with legally binding interagency agreements, both the owner and the operator may be jointly liable for Permit compliance on those portions of the MS4; and;

3.3.5.2. Where one or more Co-Permittees jointly owns or operates a portion of the MS4, each owner/operator is jointly liable for compliance with Permit conditions on the shared portion of the MS4.

4.0 Storm Water Management Program

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

4.1. Requirements

4.1.1. All Permittees must develop, implement, and enforce a SWMP designed to reduce the discharge of pollutants to the Maximum Extent Practicable from the MS4, protect water quality, and satisfy the appropriate water quality requirements of the *Utah Water Quality Act.* The SWMP must include the six minimum control measures described in Part 4.2 of this Permit.

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

4.1.2. Each Permittee shall have an ongoing documentation process for gathering, maintaining, and using information to conduct planning, set priorities, track the development and implementation of the SWMP, evaluate Permit compliance/non-compliance, and evaluate the effectiveness of the SWMP implementation.

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

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

4.1.3. The SWMP document shall include BMPs that the Permittee or another entity will implement for each of the storm water minimum control measures.

4.1.3.1. The Measurable Goals for each of the BMPs shall include, at a minimum, the months and years in which the Permittee will undertake required actions including: interim milestones and the frequency of the actions (if applicable).

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

4.1.3.3. 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 retained by the Permittee as required by the SWMP document.

4.2. Minimum Control Measures

Permittees covered under the previous Small MS4 General UPDES Permit No. UTR090000 ("**Renewal Permittees")**, are expected to have fully implemented Storm Water Management Programs (SWMPs) that reflect the permit requirements of the previous permit cycle. A Renewal Permittee shall continue to implement its SWMP as described in the application and submittals provided in accordance with the previous Small MS4 General Permit, while updating its SWMP document pursuant to this renewal Permit to achieve pollutant reductions to the Maximum Extent Practicable from the MS4, as specified in Part 4.1. This Permit does not extend the compliance deadlines set forth in the previous MS4 Permit or any corrective action plans and associated schedules unless specifically noted.

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

4.2.1. Public Education and Outreach on Storm Water Impacts

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

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

4.2.1.1. Target specific pollutants and pollutant sources determined by the Permittee to be impacting, or have the potential to impact, the beneficial uses of a 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 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 must 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 onsite infiltration of storm water; effects of automotive work and car washing on water quality; proper disposal of swimming pool water; and proper management of pet waste. These topics are not inclusive and the Permittee must focus on those topics most relevant to the community.

4.2.1.3. Provide and document education and outreach given to institutions, industrial, and commercial facilities on an annual basis of the Permittee's prohibitions against illicit discharges and improper disposal of waste and the impacts to water quality associated with these types of discharges. The Permittee must at a minimum consider the following topics: proper lawn maintenance (use of pesticides, herbicides and fertilizer); benefits of appropriate onsite 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 inclusive and the Permittee must focus on those topics most relevant to the community This education can also be a part of the Illicit Discharge Detection and Elimination measure detailed in Part 4.2.3.

4.2.1.4. 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 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 must at a minimum consider the following topics: equipment inspection to ensure timely maintenance; proper storage of industrial materials (emphasize pollution prevention); proper management and disposal of wastes; proper management of dumpsters; minimization of use of salt and other de-icing materials (cover/prevent runoff to MS4 and ground water contamination); benefits of appropriate onsite 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 to MS4 engineers, development and plan review staff, land use planners, and other pertinent parties about Low Impact 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 must show evidence of focused messages and audiences, as well as, demonstrate that the defined goal of the program has been achieved. The Permittee must identify specific messages for each targeted audience. The Permittee must also identify methods that will be used to evaluate the effectiveness of the educational messages and overall education program. Any methods used to evaluate the effectiveness of the program must be tied to the defined goals of the program and the overall objective of changes in behavior and knowledge.

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

4.2.2. Public Involvement/Participation

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

The minimum performance measures are:

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

4.2.2.2. **Renewal Permittees** shall make the revised SWMP document available to the public for review and input within **180** days from the effective date of this Permit. **New Applicants** shall make the SWMP document available to the public for review and input within **180** days of receiving notification from the *Director* of the requirement for Permit coverage.

4.2.2.3. A current version of the SWMP document shall remain available for public review and input for the life of the Permit. If the Permittee maintains a website, the latest version of the SWMP document shall be posted on the website within **180 days** from the effective date of this Permit 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)

All Permittees 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 from the MS4 and to implement defined procedures to prevent

illicit connections and discharges according to the minimum performance measures listed below. The IDDE program must be described in writing, incorporated as part of the Permittee's SWMP document, and contain the elements detailed in this part of the Permit.

The minimum performance measures are:

4.2.3.1. Maintain a current storm sewer system map of the MS4, showing the location of all municipal storm sewer outfalls with the names and location of all State waters that receive discharges from those outfalls, storm drain pipes, and other storm water conveyance structures within the MS4.

4.2.3.2. Effectively prohibit, through ordinance or other regulatory mechanism, non-storm water discharges to the MS4, including spills, illicit connections, illegal dumping and sanitary sewer overflows ("SSOs") into the storm sewer system. The IDDE program shall require removal of such discharges consistent with Part 4.2.3.6. of this Permit and implement appropriate enforcement procedures and actions. The Permittee must have a variety of enforcement options in order to apply and escalate enforcement procedures as necessary based on the severity of violation and/or the failure of the violator to address the violation(s). Discharges 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 Permittee's IDDE program must have adequate legal authority to detect, investigate, eliminate, and enforce against non-storm water discharges, including illegal dumping, into the MS4. Adequate legal authority consists of an effective ordinance, by-law, or other regulatory mechanism. The documented IDDE program that is included in the Permittee's SWMP must include a reference or citation of the authority the Permittee will use to implement all aspects of the IDDE program.

4.2.3.3. Implement a written plan to detect and address non-storm water discharges to the MS4, including spills, illicit connections, sanitary sewer overflows and illegal dumping. The plan shall include:

4.2.3.3.1 Written systematic procedures for locating and listing the following priority areas likely to have illicit discharges (if applicable to the jurisdiction):

- Areas with older infrastructure 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 a history of sewer overflows or cross-connections;
- Areas upstream of sensitive waterbodies; and,
- Other areas the Permittee determines to have increased potential for illicit discharges.

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

4.2.3.3.2 Field inspections of areas which are considered a priority area as identified in Permit Part 4.2.3.3.1. Compliance with this provision shall be achieved by inspecting each priority area annually at a minimum. All field assessment activities shall utilize an inspection form to document findings.

4.2.3.3.3 Dry weather screening (See Definitions in 7.0) activities for the purpose of verifying outfall locations and detecting illicit discharges within the Permittee's jurisdiction that discharge to a receiving water. All outfalls shall be inspected at least once during the 5-year Permit term. Dry weather screening activities shall utilize an inspection form to document findings.

4.2.3.3.4 If the Permittee discovers or suspects that a discharger may need a separate UPDES Permit (e.g., Industrial Storm Water Permit, Dewatering Permit), the Permittee shall notify the *Director* within **30 days**.

4.2.3.4. Implement standard operating procedures (SOPs) or similar types of documents for tracing the source of an illicit discharge. The document should include procedures such as: visual inspections, opening manholes when necessary, using mobile cameras, using field tests of selected chemical parameters as indicators of discharge sources, collecting and analyzing water samples for the purpose of determining sanctions or penalties, and/or other detailed inspection procedures.

4.2.3.5. Implement SOPs or similar types of documents for characterizing the nature of illicit discharges and the potential public or environmental threat posed by them when found by or reported to the Permittee by the hotline or other telephone number described in 4.2.3.9. These procedures shall include detailed instructions for evaluating how the discharge will be immediately contained and the 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 an illicit non-storm water discharge is identified and confirmed, the Permittee must record the following information in an inspection report: the date the Permittee became aware of the non-storm water discharge, the date the Permittee initiated an investigation of the discharge, the date the discharge was observed, the location of the discharge, a description of the discharge, the method of discovery, date of removal, repair, or enforcement action; date and method of removal verification. Analytical monitoring may be necessary to aid in the identification of potential sources of an illicit discharge and to characterize the nature of the illicit discharge. The decision process for utilizing analytical monitoring must be fully documented in the inspection report.

4.2.3.6. Implement SOPs or similar types 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 upon confirmation of responsible parties in accordance with its enforceable legal authorities established pursuant to Part 4.2.3.2.1. of this Permit.

4.2.3.6.2 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 must be thoroughly documented and may be requested at any time by the *Director*. If a Permittee is unable to meet the minimum performance measures outlined in Parts 4.2.3.5. or 4.2.3.6., the Permittee must immediately submit to the *Director* written documentation or rationale describing the circumstances why compliance with the minimum performance measures was not possible. All IDDE documentation shall be retained by the Permittee as required by the SWMP document.

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

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

4.2.3.9. Permittees shall publicly list and 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 must develop a written spill and improper disposal response SOP or 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 and list must be incorporated as part of the IDDE program and incorporated into the Permittee's SWMP document. The list must be maintained and updated as changes occur.

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

4.2.3.11. Permittees shall at a minimum, require that all 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 in 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, All Permittees 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 investigation of a particular non-storm water discharge of concern, to determine a reasonable basis for allowing the non-storm water discharge and excluding the discharge from the Permittee's program or to require inclusion of the discharge in the Permittee's program, if water quality concerns cannot otherwise be reasonably satisfied.

4.2.4. Construction Site Storm Water Runoff Control

All Permittees shall revise (as necessary), implement and enforce a program to reduce pollutants in any storm water runoff to the MS4 from construction sites with a land disturbance of greater than or equal to one acre. This includes projects less than one acre that are part of a larger common plan of development or sale which collectively disturbs land greater than or equal to one acre according to the minimum performance measures listed below. Public and private projects, including projects proposed by the Permittee's own departments and agencies, shall comply with these requirements.

The minimum performance measures are:

4.2.4.1. Revise (as necessary) and enforce an ordinance or other regulatory mechanism that requires the use of erosion and sediment control practices at construction sites. The ordinance or other regulatory mechanism shall, at a minimum, be equivalent with the requirements set forth in the most current UPDES Storm Water General Permits for Construction activities which can be found at http://www.deq.utah.gov/Permits/water/updes/stormwatercon.htm. The ordinance or other regulatory mechanism shall include sanctions to ensure compliance. The ordinance or other regulatory mechanism shall apply, at a minimum, to construction projects disturbing greater than or equal to one acre, as well as, construction projects of less than one acre that are part of a larger common plan of development or sale which collectively disturbs land greater than or equal to one acre. Existing local requirements to apply storm water controls at sites less than 1 acre or not part of a Common Plan of Development may be retained.

4.2.4.1.1 The ordinance or other regulatory mechanism shall, at a minimum, require construction operators to prepare a Storm Water Pollution Prevention Plan (SWPPP) and apply sediment and erosion control BMPs as necessary to protect water quality, reduce the discharge of pollutants, and control waste. 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: http://www.deq.utah.gov/Permits/water/updes/stormwatercon.htm.

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 ordinance shall include a provision for access by qualified personnel to inspect construction storm water BMPs on private properties that discharge to the MS4.

4.2.4.2. Develop a written enforcement strategy and implement the enforcement provisions of the ordinance or other regulatory mechanism. 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 type of 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 checklist for pre-construction SWPPP review that is consistent with the requirements of the current UPDES Storm Water General Permits for Construction Activities. MS4s are required to keep records for, at a minimum, all construction sites that disturb greater than or equal to one acre, including projects less than one acre that are part of a larger common plan of development or sale which collectively disturbs land greater than or equal to one acre, to ensure plans are complete and in compliance with State regulations. Permittees shall keep records of these projects for five years or until construction is completed, whichever is longer.

Prior to construction, the Permittee shall:

4.2.4.3.1 Conduct a pre-construction SWPPP meeting which includes a review of the site design, planned operations at the construction site, planned BMPs during the construction phase, and planned BMPs to be used to manage runoff created after development.

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

4.2.4.3.2 Identify priority construction sites considering the following factors at a minimum:

- Soil erosion potential;
- Site slope;
- Project size and type;
- Sensitivity of receiving waterbodies (impaired or high-quality waters);
- Proximity to receiving waterbodies; and,
- Non-storm water discharges and past record of non-compliance by the operators of the construction site.

4.2.4.4. All Permittees shall develop and implement SOPs or similar types of documents for construction site inspection and enforcement of construction storm water pollution control measures. The procedures must clearly identify who is responsible for site inspections, as well as, who has authority to implement enforcement procedures. 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 must be written and documented in the SWMP.

The construction site storm water runoff control inspection program must 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, including projects less than one acre that are part of a larger common plan of development or sale which collectively disturbs land greater than or equal to one acre are required. 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)
- Utah Department of Transportation Erosion Control Supervisor (ECS) (applicable to road/street projects only)

4.2.4.4.2 The Permittee must inspect all phases of construction, including 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 so that verification of final stabilization and removal of all temporary control measures may be conducted. This procedure must be provided to the construction operator/owner before active construction begins.

4.2.4.4.3 Inspections by the MS4 of priority construction sites, as defined in Part 7.0., must be conducted at least biweekly (every two weeks) 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.

4.2.4.4.4 Permittees may utilize an electronic site inspection tool in place of up to one-half of on-site MS4 inspections at a construction site provided that the Permittee demonstrates to the Director that the tool meets the requirements of Part 4.2.4.

4.2.4.4.5 Based on site inspection findings, the Permittee must take all 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 must be tracked and documented.

4.2.4.5 The Permittee must ensure that all staff whose primary job duties are related to implementing the construction storm water program, including permitting, plan review, construction site inspections, and enforcement, are annually trained to conduct these activities. The training can be conducted by the MS4 or outside training can be attended. Such training must be extended to third-party inspectors and plan reviewers as well. 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. All Permittees shall maintain records of all projects disturbing greater than or equal to one acre, including projects less than one acre that are part of a larger common plan of development or sale which collectively disturbs land greater than or equal to one acre. Permittees shall keep records which include but not limited to, site plan reviews, SWPPPs, inspections, and enforcement actions including verbal warnings, stop work orders, warning letters, notices of violation, and any other enforcement conducted. Permittees shall keep records of these projects for five years or until construction is completed, whichever is longer.

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

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 sites 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 development or redevelopment sites. The water quality controls may be incorporated into the design of structures intended for flow control; or water quality control may be achieved with separate control measures. The program must apply to private and public development sites.

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.

New development projects that disturb land greater than or equal to one acre, including projects that are part of a larger common plan of development or sale which collectively disturbs 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 practices that are designed, constructed, and maintained to infiltrate, have evapotranspiration, and/or harvest and reuse rainwater. The 80th percentile rainfall event is the event whose precipitation total is greater than or equal to 80 percent of all storm events over a given period of record.

Redevelopment projects that disturb greater than or equal to one acre, including projects less than an acre that are part of a larger common plan of development or sale which collectively disturbs land 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 increases the impervious surface by greater than 10%, the project shall manage rainfall on-site and prevent the off-site discharge of the net increase in the volume associated with the precipitation from all rainfall events less than or equal to the 80th percentile rainfall event. This objective must be accomplished by the use of practices that are designed, constructed, and maintained to infiltrate, have evapotranspiration, and/or harvest and reuse rainwater.

4.2.5.1.3. Low Impact Development Approach. 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 can be found in DWQ's 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 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 an ordinance or other regulatory mechanism that requires long-term post-construction storm water controls at new development and redevelopment sites. The ordinance or other regulatory mechanism shall apply, at a minimum, to new development and redevelopment sites that discharge to the MS4 that disturb greater than or equal to one acre, including projects less than one acre that are part of a larger common plan of development or sale which collectively disturbs land greater than or equal to one acre. The ordinance or other regulatory mechanism shall require BMP selection, design, installation, operation, and maintenance standards necessary to protect water quality and reduce the discharge of

[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: http://waterrights.utah.gov/forms/rainwater.asp.

The Permittee's ordinance or other regulatory mechanism must include an appeals process.

4.2.5.2.1 The Permittee must include enforcement provisions in the ordinance or other 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 ordinance or other regulatory mechanism will protect water quality and reduce the discharge of pollutants to the MS4.

Documentation shall include:

- How long-term storm water BMPs were selected;
- The pollutant removal performance expected from the selected BMPs; and
- The technical basis which supports the performance claims for the selected BMPs.

All Permittees shall adopt and implement SOPs or similar types of documents for site inspection and enforcement of post-construction storm water control measures. These procedures must ensure adequate ongoing long-term operation and maintenance of approved storm water control measures.

4.2.5.2.3 The ordinance or other regulatory mechanism shall include provisions for post-construction access for Permittees to inspect storm water control measures on private properties that discharge to the MS4 to ensure that adequate maintenance is being

performed. The ordinance or other regulatory mechanism may 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 maintenance requirements for any control measures installed on site, the agreement must allow the Permittee to conduct oversight inspections of the storm water control measures and also account for transfer of responsibility in leases and/or deeds. The agreement must also allow the Permittee to perform necessary maintenance or corrective actions neglected by the property owner/operator and bill or recoup costs from the property owner/operator as needed.

4.2.5.2.4 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.

4.2.5.2.5 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 re-inspection dates.

4.2.5.3. Plan Review. 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.

[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: http://waterrights.utah.gov/forms/rainwater.asp.

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, including projects less than one acre that are part of a larger common plan of development or sale which collectively disturbs land greater than or equal to one acre, to ensure that the plans include long-term storm water management measures meet the requirements of this minimum control measure.

4.2.5.4. Inventory. The Permittee must maintain an inventory of all post-construction structural storm water control measures installed and implemented at new development and redeveloped sites that disturb greater than or equal to one acre, including projects less than one acre that are part of a larger common plan of development or sale which collectively disturbs land greater than or equal to one acre. This inventory must include both public and private sector sites located within the Permittee's service area that were developed since the Permittee obtained coverage by this permit or the date that post-construction requirements came into effect, whichever is later.

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

In addition, inventory entries must include the following for each project:

- Short description of each storm water control measure (type, number, design or performance specifications);
- Short description of maintenance requirements (frequency of required maintenance and inspections); and
- Inspection information (date, findings, follow up activities, prioritization of follow-up activities, compliance status).

4.2.5.4.2 Based on inspections conducted pursuant to Part 4.2.5.2.5, the Permittee must update the inventory when changes occur in property ownership or the specific control measures implemented at the site.

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 Municipal Operations

All Permittees must implement a program for Permittee-owned or operated facilities, operations and structural storm water controls that includes SOPs, pollution prevention BMPs, storm water pollution prevention plans or similar type of documents, and a training component that have the ultimate goal of preventing or reducing the runoff of pollutants to the MS4 and waters of the state. All components of the program shall be

included in the SWMP document and must identify the department responsible for performing each activity described in this section. The Permittee shall develop an inventory of all such Permittee-owned or operated facilities. The Permittee must review this inventory annually and update as necessary.

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 all the associated storm water controls, at a minimum. The *Director* maintains the authority to add additional facilities to the list, as needed.
The inventory should include, but not limited to, the following facilities:

- Composting facilities;
- Equipment storage and maintenance facilities;
- Fuel farms;
- Hazardous waste disposal facilities;
- Hazardous waste handling and transfer facilities;
- Incinerators;
- Landfills;
- Landscape maintenance facilities on municipal property;
- Materials storage yards;
- Pesticide storage facilities;
- Public buildings, including libraries, police stations, fire stations, municipal buildings, restrooms, and similar Permittee-owned or operated buildings;
- Public parking lots;
- Public golf course maintenance facilities;
- Public swimming pool maintenance facilities;
- Public works yards;
- Public Marinas and Boat Launches;
- Recycling facilities;
- Salt storage facilities and de-icing storage facilities;
- Solid waste handling and transfer facilities;
- Street repair and maintenance facilities and or shed sites;
- Vehicle storage and maintenance yards;
- Airports;
- Animal control facilities;
- Vehicle salvage yards;
- Chemical storage facilities; and
- Transportation hubs, including bus stations

4.2.6.2. All Permittees shall assess the written inventory of Permittee-owned or operated facilities, operations, and storm water controls identified in Part 4.2.6.1 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;
- Potential to discharge pollutant(s) of concern to impaired water(s).

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.

4.2.6.4 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 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.

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

4.2.6.5.1 Monthly visual inspections: The Permittee must perform monthly visual inspections of "high priority" facilities and related storm water outfalls in accordance with the developed 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 kept with the SWMP document. The inspection log should also include any identified deficiencies and the corrective actions taken to fix the deficiencies.

4.2.6.5.2 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 must be documented and records kept with the SWMP document. This inspection must be done in accordance with the developed SOPs. An inspection report must also include any identified deficiencies and the corrective actions taken to remedy the deficiencies.

4.2.6.5.3 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 must be documented and records kept with the SWMP document. This inspection must be done in accordance with the developed SOPs. The inspection report must also include any identified deficiencies and the corrective actions taken to remedy the deficiencies.

4.2.6.6. 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;
- Parks and open space;
- Vehicle and Equipment;
- Roads, highways, and parking lots; and
- Storm water collection and conveyance system.

4.2.6.6.1 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 pesticide application;
- Municipally-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;

4.2.6.6.2 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 the receiving water, the amount and type of material that typically accumulates in an area, or other location-specific factors.

4.2.6.6.3 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. 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 solid material will need to be stored and disposed of properly to avoid discharge during a storm event. Any other treatment and disposal measures shall be reviewed and approved by the *Director*. 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 to federal, state and local laws.

4.2.6.6.4 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.

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

4.2.6.6.6 All Permittees must maintain an inventory of all floor drains inside all 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.

4.2.6.7. 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.

4.2.6.8. 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.

4.2.6.8.1 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.

4.2.6.9. 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, have evapotranspiration, 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. Sharing Responsibility

4.3.1. Implementation of one or more of the six minimum measures may be shared with another entity, or the entity may fully take over the measure. A Permittee may rely on another entity only if:

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

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

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

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

4.4. Reviewing and Updating Storm Water Management Programs

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

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

4.4.2.1. Changes adding 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 is not authorized, unless it meets requirements outlined in Part 4.4.2.2.

4.4.2.2. Changes replacing an ineffective or unfeasible BMP specifically identified in the SWMP document with an alternate BMP may be adopted at any time, provided the analysis is clearly outlined and subsequently approved by the *Director*.

An analysis shall include:

4.4.2.2.1 An explanation of why the BMP is ineffective or infeasible;

4.4.2.2.2 Expectations or report on the effectiveness of the replacement BMP; and

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

4.4.3. Change requests or notifications must be made in writing and signed in accordance with Part 6.8.

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

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

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

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

4.4.5.3. Include such other conditions deemed necessary by the *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. Analytical Monitoring

Permittees are not required to conduct analytical monitoring (see definition in Part 7.0) during the effective term of this Permit, with the following exceptions:

5.2.1. Water quality sampling may be required for compliance with TMDLs, pursuant to Part 3.1. of this Permit.

5.2.2. Sampling or testing may be required for characterizing illicit discharges pursuant to Parts 4.2.3.4., 4.2.3.5., and 4.2.3.5.1 of this Permit.

5.2.3. In the event that the Permittee elects to conduct analytical monitoring as part of its Storm Water Management Program, the Permittee is required to comply with Part 6.18. of this Permit.

5.3. Non-analytical Monitoring

5.3.1. Non-analytical monitoring (see definitions in Part 7.0) such as visual dry weather screening is required to comply with Part 4.2.3.3.2 of this Permit.

5.4. Record keeping

5.4.1. Permittees must keep all supplementary documents associated with this Permit (e.g., Storm Water Management Program (SWMP) document, SWMP Implementation Schedule) current and up to date to ensure the purpose and objectives of the required document are achieved.

5.4.2. All modifications to supplementary documents must be submitted to the *Director* in accordance with Parts 4.4 and 6.8.

5.4.3. 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*.

5.4.4. The Permittee shall retain all required plans, records of all programs, records of all monitoring information, copies of all reports required by this Permit, and records of all

other data required by or used to demonstrate compliance with this Permit, for at least five years. This period may be explicitly modified by alternative provisions of this Permit or extended by request of the *Director* at any time.

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

5.5. Reporting

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

5.5.2. The report must be submitted using the report form provided on the *Division's* website at https://deq.utah.gov/legacy/permits/water-quality/utah-pollutant-discharge-elimination-system/docs/2009/07Jul/MS4_UT_09_annual_report_form.pdf

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

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

6.0 Standard Permit Conditions

6.1. Duty to Comply

The Permittee must comply with all conditions of this Permit. Any Permit noncompliance constitutes a violation of the Act and is grounds for enforcement action; for Permit termination; revocation and reissuance; modification; or for denial of Permit coverage. 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 shall apply for and obtain a new Permit. The application shall be submitted at least **180 days** before the expiration date of this Permit. Continuation of expiring Permits shall be governed by regulations promulgated at *UAC R317-8-5* and any subsequent amendments.

6.4. Need to Halt or Reduce Activity not a Defense

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

6.5. Duty to Mitigate

The Permittee must 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 Permit application, or 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 *Director* 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.* must 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 Admin. Code § 63-2-309) and Utah Admin Code § 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 *Director*. 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 Admin Code § 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. 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.

6.13. 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.

6.14. Requiring a Different Permit

The *Director* may require the Permittee authorized by this Permit to obtain an individual *UPDES* Permit. Any interested person may petition the *Director* to take action under this paragraph. The *Director* may require the Permittee authorized to discharge under this Permit to apply for an individual *UPDES* Permit only if the Permittee has been notified in writing that a Permit application is required. This notice shall include a brief statement of the reasons for this decision, an application form (as necessary), a statement setting a deadline for the Permittee to file the application, and a statement that on the effective date of the municipal *UPDES* Permit, coverage under this Permit shall automatically terminate. Permit applications shall be submitted to the address of the *Division* shown in *Part 5.5.* of this Permit. The *Director* 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.

6.15. 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.

6.16. 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 include adequate laboratory controls and appropriate quality assurance procedures. Proper operation and maintenance requires the operation of backup or auxiliary facilities or similar systems, installed by the Permittee only when necessary to achieve compliance with the conditions of the Permit.

6.17. Monitoring and Records

6.17.1. Samples and measurements taken for the purpose of monitoring shall be representative of the monitored activity.

6.17.2. 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.

6.17.3. Records of monitoring information shall include:

6.17.3.1 The date, exact place, and time of sampling or measurements;

6.17.3.2 The name(s) of the individual(s) who performed the sampling or measurements;

6.17.3.3 The date(s) and time(s) analyses were performed;

6.173.4 The name(s) of the individual(s) who performed the analyses;

6.17.3.5 The analytical techniques or methods used; and

6.17.3.6 The results of such analyses.

6.18. Monitoring Procedures

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

6.19. 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:

6.19.1. Enter upon the Permittee's premises where a regulated facility or activity is located or conducted or where records must be kept under the conditions of this Permit;

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

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

6.19.4. 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.

6.20. 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, termination, or a notification of planned changes or anticipated noncompliance does not suspend any Permit condition.

6.21. Storm Water-Reopener Provision

At any time during the duration (life) of this Permit, this Permit may be reopened and modified (following proper administrative procedures) as per *UAC R317.8*, to include, any applicable storm water provisions and requirements, a storm water pollution prevention plan, a compliance schedule, a compliance date, monitoring and/or reporting requirements, or any other conditions related to the control of storm water discharges to "waters of state".

7.0 Definitions

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

"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.

"Act" means the *Utah Water Quality Act*.

"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 bio-assessments.

"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.

"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.

"CWA" means *The Clean Water Act of 1987*, formerly referred to as the Federal Water Pollution Control Act.

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

"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.

"Common plan of development or sale" means one plan for development or sale, separate parts of which are related by any announcement, piece of documentation (including a sign, public notice or hearing, sales pitch, advertisement, drawing, plat, blueprint, contract, Permit application, zoning request, computer design, etc.), physical demarcation (including contracts) that identify the scope of the project. A plan may still be a common plan of development or sale even if it is taking place in separate stages or phases, is planned in combination with other construction activities, or is implemented by different owners or operators.

"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.

"Director" means the director of the Utah Division of Water Quality, otherwise known as the Executive Secretary of the Utah Water Quality Board.

"Division" means the Utah Division of Water Quality.

"Discharge" for the purpose of this Permit, unless indicated otherwise, refers to discharges from the Municipal Separate Storm Sewer System (MS4).

"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.

"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.

"Entity" means a governmental body or a public or private organization.

"EPA" means the United States Environmental Protection Agency.

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

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

"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.

"Illicit connection" means any man-made conveyance connecting an illicit discharge directly to a municipal separate storm sewer.

"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) to waters of the state.

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

"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.

"Low Impact Development" (LID) is an approach to land development (or re-development) that works with nature to more closely mimic pre-development hydrologic functions. LID employs principles such as preserving and recreating natural landscape features, minimizing effective imperviousness to create functional and appealing site drainage that treat storm water as a resource rather than a waste product. There are many practices that have been used to adhere to these principles such as bio-retention facilities, rain gardens, vegetated rooftops, rain barrels, and permeable pavements.

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

"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."

"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

"Monitoring" refers to tracking or measuring activities, progress, results, etc.;

"Municipal separate storm sewer system" means a conveyance or system of conveyances (including roads with drainage systems, municipal streets, catch basins, curbs, gutters, ditches, man-made channels, or storm drains) pursuant to paragraphs R317-8-1.6(4), (8), & (15), or designated under UAC R317-8-11.3(6)(a) and UAC R317-8-11.3(6)(b):

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

"NOI" is an acronym for "Notice of Intent" to be covered by this Permit and is the mechanism used to "register" for coverage under a General Permit.

"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.

"Operator" is the person or entity responsible for the operation and maintenance of the MS4.

"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.

"Phase II areas" means areas regulated under UPDES storm water regulations encompassed by Small MS4's (see definition 7.39.).

"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.

"Redevelopment" is the replacement or improvement of impervious surfaces on a developed site.

"Runoff" is water that travels across the land surface, or laterally through the ground near the land surface, and discharges to water bodies either directly or through a collection and conveyance system. Runoff includes storm water and water from other sources that travels across the land surface.

"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.

"SWPPP" is an acronym for storm water pollution prevention plan.

"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.

"SOP" is an acronym for standard operating procedure which is a set of written instructions that document a routine or repetitive activity. For the purpose of this Permit, SOPs should emphasize pollution control measures to protect water quality.

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

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

"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.

"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.

"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).

STATE OF UTAH

DEPARTMENT OF ENVIRONMENTAL QUALITY

DIVISION OF WATER QUALITY

Utah Pollutant Discharge Elimination System

General Permit for Storm Water Discharges from Construction Activities

UPDES Permit No. UTRC00000

This Permit is issued in compliance with the provisions of the Utah Water Quality Act, Title 19, Chapter 5, Utah Code, as amended (the "Act") under delegated authority according to Title 33 U.S. Code Section 1342 with federal oversight from the Environmental Protection Agency under the Federal Clean Water Act, Title 33 U.S. Code Section 1251, *et. seq.,* as amended, and the rules and Regulations made pursuant to those statutes. This permit authorizes "owners/operators" of construction activities (defined in Part 1.1. l and Part 10) that meet the requirements of Part 1. of this Utah Pollutant Discharge Elimination System (UPDES) general permit, to discharge pollutants in accordance with the effluent limitations and conditions set forth herein. Permit coverage is required from the "commencement of earth-disturbing activities" (see Part l 0) until "final stabilization" (see Part 2.2.14).

This MODIFIED permit becomes effective on July 8, 2020.

This MODIFIED permit and the authorization to discharge expire at midnight on June 30, 2024.

Signed this eighth day of July, 2020.

Erica Brown Gaddis, PhD
Director

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Appendix A – BUFFER REQUIREMENTS

1. COVERAGE UNDER THIS PERMIT

To be covered under this permit you must meet the eligibility conditions and follow the requirements for applying for permit coverage in this Part.

1.1. ELIGIBILITY CONDITIONS

1.1.1. **All "operators"** of a construction site must sign on the notice of intent or NOI (see part 1.4 for NOI). Owners (or lessee's) and general contractors are both considered "operators" for the purposes of this permit (see definition of "operator" in Part 10). Except for areas listed in part 1.2.2, this permit does not cover area that is not legally owned or leased by the operator defined in Part 10, that has operational control over construction plans and specifications.

1.1.2. **The Project**:

a. A project covered by this permit will **disturb 1 or more acres** of land, or will disturb less than 1 acre of land but be part of a common plan of development or sale[1] that will ultimately disturb 1 or more acres of land; or

b. A project's **discharges have been designated** by the Director as needing a permit under UAC 317-8-3.9(1)(a)5. or UAC 317-8-3.9(6)(e)2.

c. **Single lot residential projects** that disturb **less than 1 acre** of land and are part of a common plan of development or sale may be covered under the Common Plan Permit (UTRH00000) in lieu of this permit. Information on this permit can be found on the DWQ construction storm water web site at https://deq.utah.gov/legacy/permits/water-quality/utah-pollutant-discharge-elimination-system/storm-water-general-construction.htm.

d. Projects **less than five acres** with a **rainfall erosivity factor** ("R" in the revised universal soil loss equation, or RUSLE) value of **less than five** during the period of construction activity may waiver the requirements of this permit by submitting an **Erosivity Waiver Certification.** Information on the Erosivity Waiver can be found on the DWQ construction storm water web site at https://deq.utah.gov/legacy/permits/water-quality/utah-pollutant-discharge-elimination-system/storm-water-general-construction.htm.

1.1.3. **A project is located** within the state of Utah, except for Indian Country (Storm water permits for Indian Country within the State must be acquired through EPA Region VIII, except for facilities on the Navajo Reservation or on the Goshute Reservation which must acquire storm water permits through EPA Region IX).

1.1.4. **Discharges from a project cannot**;

a. **already have coverage** under the UPDES CGP or any other UPDES permit for a storm water discharge associated with construction activity (UPDES wastewater and industrial permit coverage for separate discharges associated with the site is allowed) or,

[1] See definition for common plan of development or sale in Part 10

b. **be in the process of receiving coverage** under a different UPDES permit for a storm water discharge from construction activities that has been denied, terminated, or revoked[2],

c. **be treated with "cationic treatment chemicals"** (see Definitions) unless and until you notify DWQ in advance of receiving permit coverage and have received written approval. To be able to use "cationic treatment chemicals" you must demonstrate to DWQ that appropriate controls and implementation procedures are used to ensure that your use of cationic treatment chemicals will not lead to discharges that cause an exceedance of water quality standards or harm fish populations.

1.1.5. Eligibility for Emergency-Related Construction Activities. If you are conducting earth-disturbing activities in response to a public emergency (e.g., natural disaster, widespread disruption in essential public services), and the related work requires immediate authorization to avoid imminent endangerment to human health, public safety, or the environment, or to reestablish public services, your requirements are:

a. If the emergency related activity is accomplished within 30-days you are waived from the normal requirements to submit an NOI and prepare a SWPPP, but you must submit a report to DWQ within 45-days and show:

(1) the nature of the emergency work performed,

(2) a description of earth disturbances that occurred,

(3) the proximity of the work to waters of the State, and what was done to protect water quality during the emergency work, and

(4) the occurrence of the public emergency must be substantiated.

b. If the emergency activity continues longer than 30-days you are authorized to discharge on the condition that a complete and accurate NOI is submitted within 30 calendar days after commencing earth-disturbing activities establishing that you are eligible under this permit. You are also required to provide emergency documentation in your SWPPP to substantiate the occurrence of the public emergency.

1.1.6. Water Quality Standards – Eligibility for New Sources. If you are a "new source" (as defined in Part 10), you are not eligible for coverage under this permit for discharges that have the reasonable potential to cause, or contribute to an excursion above any applicable water quality standard. Where DWQ makes such a determination, operators must make adjustments to storm water controls to bring the discharge into compliance with water quality standards immediately or permit coverage will be rescinded. DWQ expects that compliance with the storm water control requirements of this permit, including the requirements applicable to such discharges in Part 3.2, will result in discharges that will not cause, have the reasonable potential to cause, or contribute to an excursion above any applicable water quality standard.

[2] Projects having been denied, terminated, or revoked must resolve the problem causing the ineligibility before the same or other coverage will be restored.

1.1.7. Discharging to Waters with High Water Quality – Eligibility for New Sources. If you are a "new source" (as defined in Part 10), you are eligible to discharge to a Category 1 water if your discharge is temporary and limited and where best management practices will be employed to minimize pollution effects, to a Category 2 water only if your discharge will not lower the water quality of the applicable water body. In the absence of information demonstrating otherwise, DWQ expects that compliance with the storm water control requirements of this permit, including the requirements applicable to such discharges in Part 3.2, will result in discharges that will not lower the water quality of the applicable water.

Your project will be considered to discharge to a Category 1 or 2 water if the first surface water to which you discharge is identified by the state as a Category 1 or 2 water. For discharges that enter a storm sewer system prior to discharge, the first surface water to which you discharge is the water body that receives the storm water discharge from the storm sewer system. Please refer to water quality information at http://mapserv.utah.gov/surfacewaterquality/

1.2. DISCHARGES AUTHORIZED UNDER THIS PERMIT. The following is a list of discharges that are allowed under this permit provided that appropriate storm water controls are designed, installed, and maintained:

1.2.1. Storm water discharges, including **storm water, snowmelt, and surface water runoff and drainage**, associated with construction activity under UAC R317-8-3.9(6)(d)10. or UAC R317-8-3.9(6)(e)1.;

1.2.2. Storm water discharges from **construction support activities** (e.g., concrete or asphalt batch plants, equipment staging yards, material storage areas, excavated material disposal areas, borrow areas) provided:

a. The support **activity is directly related to the construction site** required to have permit coverage for storm water discharges;

b. The support activity **does not serve multiple unrelated construction projects**;

c. The support activity **does not continue to operate beyond the completion of the construction** activity at the project it supports; and

d. Storm water controls are implemented in accordance with Part 2 and, if applicable, Part 3, for discharges from the support activity areas.

1.2.3. The following non-storm water discharges from your construction activity are allowed under this permit, provided that you comply with all applicable requirements for these discharges in Part 2:

a. Discharges from emergency fire-fighting activities;

b. Fire hydrant flushings;

c. Properly managed landscape irrigation;

d. Water used to wash vehicles and equipment, provided that there is no discharge of soaps, solvents, or detergents used for such purposes;

e. Water used to control dust;

f. Potable water including uncontaminated water line flushings;

g. External building washdown, provided soaps, solvents, and detergents are not used, and external surfaces do not contain hazardous substances;

h. Pavement wash waters, provided spills or leaks of toxic or hazardous materials have not occurred (unless all spill material has been removed) and where detergents (including biodegradable soy bean oils and biodegradable detergents) are not used. You are prohibited from directing pavement wash waters directly into any surface water, storm drain inlet, or storm water conveyance unless the conveyance is connected to a sediment basin, sediment trap, or similarly effective control for the pollutants present. Per 2.2.5.d., hosing of accumulated sediments on pavement into any storm water conveyance is prohibited;

i. Uncontaminated air conditioning or compressor condensate;

j. Uncontaminated, non-turbid discharges of ground water (from natural sources) or spring water; and,

k. Foundation or footing drains where flows are not contaminated with process materials such as solvents, contaminated ground water, or sediment from construction activity.

1.2.4. Comingling of the non-storm water discharges above with other permitted discharges is also authorized.

1.2.5. **Discharging of construction dewatering** (groundwater that intersects with excavation) must be permitted under UTG070000 (Construction Dewatering and Hydrostatic Test Permit), and the Municipal Separate Storm Sewer System (MS4) (of jurisdiction) notified of the discharge. Permitting is not required under UTG070000 if the construction dewatering does not leave the site (it is percolated into the ground on site).

1.3. PROHIBITED DISCHARGES.

1.3.1. Wastewater from washing tools and vehicles after pouring, prepping, or finishing concrete.

1.3.2. Wastewater from washing and cleanout of stucco, paint, concrete, form release oils, curing compounds, and other construction materials;

1.3.3. Fuels, oils, or other pollutants used in vehicle and equipment operation and maintenance;

1.3.4. Soaps, solvents, or detergents used in vehicle and equipment washing or external building washdown; and

1.3.5. Toxic or hazardous substances from a spill or other release.

To prevent the above-listed prohibited non-storm water discharges, operators must comply with the applicable pollution prevention requirements in Part 2.3.

1.4. NOTICE OF INTENT (NOI). To be covered under this permit, you must develop a SWPPP (see part 7.1), submit a complete and accurate NOI, remit the permit fee, and receive an Authorization to Discharge Letter. The permit fee covers a year of permit coverage. If a project extends more than a year the permit must be renewed and the permit fee must be remitted again.

There is a 60-day grace period after the permit expiration date where projects may be completed or the permit renewed.

All NOI application packages, including Authorization to Discharge letters and storm water pollution prevention plans (SWPPP) must also be submitted to regulated MS4s (see the list of municipalities on the DWQ municipal storm water web site https://deq.utah.gov/legacy/permits/water-quality/utah-pollutant-discharge-elimination-system/storm-water-municipal.htm). Not all municipalities are regulated MS4s (see definitions Part 10).

1.4.1. How to Submit Your NOI. NOIs and permit fees may be submitted online at https://cdxnodengn.epa.gov/net-cgp/action/login. A paper copy of the NOI form may be downloaded from the DWQ construction storm water web site at https://documents.deq.utah.gov/water-quality/stormwater/DWQ-2017-004363.pdf, filled out and mailed, with permit fee, to:

Division of Water
Quality PO Box
144870
Salt Lake City, Utah 84114-4870

1.4.2. Start and End of Permit Coverage and Deadlines. Coverage under a permit must be obtained before soil disturbing activities begin. The permit is effective immediately after the Authorization to Discharge Letter has been received. Active coverage may be affected by the following conditions:

a. a notice of termination (NOT) is submitted at: https://cdx.epa.gov/cdx/.

b. the yearly permit fee is kept current and renewed year by year for the period of construction activity,

c. when this general permit (UTRC00000) expires, if no arrangement has been made for continuing coverage, NOIs may need to be submitted for continuing coverage under a new or reissued replacement permit,

d. coverage under the CGP is rescinded or revoked for the project site for administrative reasons for which the permittee will be notified in writing, or

e. if all storm water discharges for the site are permitted under a different general or individual UPDES permit, this permit is terminated on the day the other permit coverage begins.

1.4.3. Continuation of Coverage After this Permit Expires. If this permit is not reissued or replaced by the expiration date, it will be administratively extended by the Director and remain in force and effect until issuance of a comparable CGP. Permit coverage will continue under this permit until the earliest of:

a. authorization of, and an application process, is provided for coverage under a reissued or replacement version of this permit; or

b. the permittee's submittal of a Notice of Termination, submitted at: https://cdx.epa.gov/cdx/; or

c. the issuance of an individual permit or denial of coverage (see part 1.4.4 below) for the project's discharges.

DWQ reserves the right to modify or revoke and reissue this permit under UAC317-8-5.6, in which case you will be notified of any relevant changes to which you may be subject.

1.4.4. Procedures for Denial of Coverage. Following a submittal of a complete and accurate NOI, you may be notified in writing by DWQ that you are not covered, and that you must either apply for and/or obtain coverage under an individual UPDES permit or an alternate general UPDES permit. This notification will include a brief statement of the reasons for this decision and will provide application information. Any interested person may request that DWQ consider requiring an individual permit under this paragraph.

If you are already a permittee with coverage under this permit, the notice will set a deadline to file the permit application, and will include a statement that on the effective date of the individual UPDES permit or alternate general UPDES permit, as it applies to you, coverage under this general permit will terminate. DWQ may grant additional time to submit the application if requested. If you are covered under this permit and fail to submit an individual UPDES permit application or an NOI for an alternate general UPDES permit as required by DWQ, then the applicability of this permit to your site is terminated at the end of the day specified by DWQ as the deadline for application submittal. DWQ may take appropriate enforcement action for any unpermitted discharge. If you submit a timely permit application, then when an individual UPDES permit is issued to you or you are provided with coverage under an alternate general UPDES permit, your coverage under this permit is terminated on the effective date of the individual permit or date of coverage under the alternate general permit.

1.5. REQUIREMENT TO POST A NOTICE OF YOUR PERMIT COVERAGE All permitted sites must have a sign posted in a conspicuous, safe, publically accessible place and near the entrance to the project. The font on the sign must large enough for normal corrected vision to easily read the sign contents from a public right-of-way. At a minimum, the notice must include:

1.5.1. the UPDES Permit tracking number,

1.5.2. the name of a contact person for questions, SWPPP requests, or information about the project,

a. the contact phone number (must be available during business hours) or

b. an email address (must be checked and responded to within 24-hours on week days).,

2. TECHNOLOGY-BASED EFFLUENT LIMITATIONS. You must comply with the following technology-based effluent limitations in this Part.

2.1. GENERAL STORM WATER CONTROL DESIGN, INSTALLATION, AND MAINTENANCE REQUIREMENTS. You must design, install, and maintain storm water controls required in Parts 2.2 and 2.3 to minimize the discharge of pollutants in storm water from construction activities. To meet this requirement, you must:

2.1.1. Account for the following factors in designing your storm water controls:

a. The expected amount, frequency, intensity, and duration of precipitation;

b. The nature of storm water runoff and run-on at the site, including factors such as expected flow from impervious surfaces, slopes, and site drainage features. You must design storm water controls to control storm water volume, velocity, and peak flow rates to minimize discharges of pollutants in storm water and to minimize channel and streambank erosion and scour in the immediate vicinity of discharge points; and

c. The soil type and range of soil particle sizes expected to be present on the site.

2.1.2. Design and install all storm water controls in accordance with good engineering practices, including applicable design specifications (see manufacturer specifications and/or applicable erosion and sediment control manuals or ordinances – departures from such specifications must reflect good engineering practices and must be explained in your SWPPP).

2.1.3. Complete installation of storm water controls by the time each phase of construction activities has begun.

a. Before construction activity in any given portion of the site begins, install and make operational any downgradient sediment controls (e.g., buffers, perimeter controls, exit point controls, storm drain inlet protection).

b. Following the installation of storm water controls for the initial construction activities (e.g., clearing, grading, excavating), adjust storm water control and management strategies throughout the project to meet and match the needs for each phase of construction, if applicable, as the project progresses towards completion.

2.1.4. Ensure that all storm water controls are maintained, remain in effective operating condition during permit coverage, and are protected from activities that would reduce their effectiveness.

a. Comply with any specific maintenance requirements for the storm water controls listed in this permit. Regular maintenance is expected and is not limited to response actions from inspections or identified problems.

b. Follow maintenance recommendations from the manufacturer or utilize good engineering practices based on site conditions and document deviations from manufacture recommendations.

c. Any time maintenance issues are discovered in storm water controls, make repairs immediately if practical, prior to weather or activities utilizing the control, or within seven business days, whichever comes first.

d. Any time you find that a storm water control needs to be installed (where none had previously been), replaced, or removed, you must record the corrective action as required in Part 5.

2.2. EROSION AND SEDIMENT CONTROL REQUIREMENTS. You must implement erosion and sediment controls in accordance with the following requirements to minimize the discharge of pollutants in storm water from construction activities.

2.2.1. Provide and maintain natural buffers and/or equivalent erosion and sediment controls when a water of the state is located within 50 feet of the site's earth disturbances. Additional guidance for buffers is provided in Appendix A.

a. Compliance Alternatives. For any discharges to waters of the State located within 50 feet of your site's earth disturbances, you must comply with one of the following alternatives:

(1) Provide and maintain a 50-foot undisturbed natural buffer; or

(2) Provide and maintain an undisturbed natural buffer that is less than 50 feet and is supplemented by erosion and sediment controls that achieve, in combination, the sediment load reduction equivalent to a 50-foot undisturbed natural buffer; or

(3) If infeasible to provide and maintain an undisturbed natural buffer of any size, implement erosion and sediment controls to achieve the sediment load reduction equivalent to a 50-foot undisturbed natural buffer.

b. See Appendix A, Part A.2.2. for exceptions to the compliance alternatives.

2.2.2. Preserve naturally vegetated areas where possible and, if feasible, direct storm water to these areas to maximize storm water infiltration and filtering to reduce pollutant discharges.

2.2.3. Install sediment controls along any perimeter areas of the site that will receive pollutant discharges.

a. Remove sediment before it has accumulated to the point where the control has become ineffective. Often that is one-half of the above-ground height of any perimeter control.

b. **Exception.** For areas at "linear construction sites" (as defined in Part 10) where perimeter controls are infeasible (e.g., due to a limited or restricted right-of-way), implement other practices as necessary to minimize pollutant discharges to perimeter areas of the site.

2.2.4. Minimize sediment track-out.

a. **Restrict vehicle use to properly designated exit points**;

b. Use appropriate stabilization techniques at all points that exit onto paved roads[3].

(1) **Exception**: Stabilization is not required for exit points at linear utility construction sites that are used only episodically and for very short durations over the life of the project, provided other exit point controls[4] are implemented to minimize sediment track-out;

[3] An example of appropriate stabilization techniques is the use of aggregate stone with an underlying geotextile or non-woven filter fabric, and turf mats.

c. Implement additional track-out controls[5] as necessary to ensure that sediment removal occurs prior to vehicle exit; and

d. Where sediment has been tracked-out from your site onto paved roads, sidewalks, or other paved areas outside of your site, you must remove deposited sediment before it accumulates significantly and is tracked beyond the immediate vicinity of the project. Frequency of removal is dependent on site conditions, whatever is necessary to control off site tracking. . Remove the track-out by sweeping, shoveling, or vacuuming these surfaces, or by using other similarly effective means of sediment removal. You are prohibited from hosing or sweeping tracked-out sediment into any storm water conveyance, storm drain inlet, or water of the state[6].

2.2.5. Manage stockpiles or land clearing debris piles composed, in whole or in part, of sediment and/or soil:

a. Locate the piles outside of any natural buffers established under Part 2.2.1 and away from any storm water conveyances, drain inlets, and areas where storm water flow is concentrated;

b. Install a sediment barrier along all downgradient perimeter areas;[7]

c. For piles that will be unused for 14 or more days and are stored in areas that are being inspected at a reduced frequency due to temporary stabilization or frozen conditions (Part 4.4.1. and 4.4.3.), provide cover[8] or appropriate temporary stabilization (consistent with Part 2.2.14);

d. You are prohibited from hosing down or sweeping soil or sediment accumulated on pavement or other impervious surfaces into any storm water conveyance, storm drain inlet, or water of the state.

e. Where practicable, contain and securely protect from wind.

2.2.6. Minimize dust. On areas of exposed soil, minimize the generation of dust through the appropriate application of water or other dust suppression techniques.

2.2.7. Minimize steep slope disturbances. Minimize the disturbance of "steep slopes" (as defined in Part 10).

2.2.8. Preserve native topsoil,[9] unless infeasible.

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[4] Examples of other exit point controls include preventing the use of exit points during wet periods; minimizing exit point use by keeping vehicles on site to the extent possible; limiting exit point size to the width needed for vehicle and equipment usage; using scarifying and compaction techniques on the soil; and avoiding establishing exit points in environmentally sensitive areas (e.g., karst areas; steep slopes).

[5] Examples of additional track-out controls include the use of wheel washing, rumble strips, and rattle plates.

[6] Fine grains that remain visible (i.e., staining) on the surfaces of off-site streets, other paved areas, and sidewalks after you have implemented sediment removal practices are not a violation of Part 2.2.4.

[7] Examples of sediment barriers include berms, dikes, fiber rolls, silt fences, sandbags, gravel bags, or straw bale.

[8] Examples of cover include tarps, blown straw and hydromulching.

[9] Stockpiling topsoil at off-site locations, or transferring topsoil to other locations, is an example of a practice that is consistent with the requirements in Part 2.2.8. Preserving native topsoil is not required where the intended function of a specific area of the site dictates that the topsoil be disturbed or removed. For example, some sites may be designed to be highly impervious after construction, and therefore little or no vegetation is intended to remain, or may not have space to stockpile native topsoil on site for later use, in which case, it may not be feasible to preserve topsoil.

2.2.9. Minimize soil compaction[10] in areas of your site where final vegetative stabilization will occur or where infiltration practices will be installed:

a. Restrict vehicle and equipment use in these locations to avoid soil compaction; and

b. Before seeding or planting areas of exposed soil that have been compacted, use techniques that rehabilitate and condition the soils as necessary to support vegetative growth.

2.2.10. Protect storm drain inlets.

a. Install inlet protection measures that remove sediment from discharges prior to entry into any storm drain inlet that carries storm water flow from your site to a surface water of the state, provided you have authority to access the storm drain inlet;[11] and

b. Clean, or remove and replace, the protection measures as sediment accumulates, the filter becomes clogged, and/or performance is compromised. Where there is evidence of sediment accumulation adjacent to the inlet protection measure, remove the deposited sediment by the end of the same business day in which it is found.

2.2.11. Minimize erosion of storm water conveyance channels and their embankments, outlets, adjacent streambanks, slopes, and downstream waters. Use erosion controls and velocity dissipation devices[12] within and along the length of any storm water conveyance channel and at any outlet to slow down runoff to minimize erosion.

2.2.12. If you install a sediment basin or similar impoundment:

a. Situate the basin or impoundment outside of any water of the state and any natural buffers established under Part 2.2.1;

b. Design the basin or impoundment to avoid collecting water from wetlands;

c. Design the basin or impoundment to provide storage for either:

(1) The calculated volume of runoff from a 2-year, 24-hour storm; or

(2) 3,600 cubic feet per acre drained.

d. Utilize outlet structures that withdraw water from near the surface of the sediment basin or similar impoundment, unless infeasible;[13]

e. Use erosion controls and velocity dissipation devices to prevent erosion at inlets and outlets; and

f. Remove accumulated sediment to maintain at least one-half of the design capacity and conduct all other appropriate maintenance to ensure the basin or impoundment remains in effective operating condition.

[10] Minimizing soil compaction is not required where the intended function of a specific area of the site dictates that it be compacted.
[11] Inlet protection measures can be removed in the event of flood conditions or to prevent erosion
[12] Examples of velocity dissipation devices include check dams, sediment traps, riprap, and grouted riprap at outlets.
[13] The circumstances in which it is infeasible to design outlet structures in this manner are rare. A possible exception is dealing with or treating for temperature, but there may be other reasons. If you determine that it is infeasible to meet this requirement, you must provide documentation in your SWPPP to support your determination, including the specific conditions or time periods when this exception will apply.

2.2.13. If using treatment chemicals (e.g., polymers, flocculants, coagulants):

a. **Use conventional erosion and sediment controls before and after the application of treatment chemicals**. Chemicals may only be applied where treated storm water is directed to a sediment control (e.g., sediment basin, perimeter control) before discharge.

b. **Select appropriate treatment chemicals**. Chemicals must be appropriately suited to the types of soils likely to be exposed during construction and present in the discharges being treated (i.e., the expected turbidity, pH, and flow rate of storm water flowing into the chemical treatment system or area).

c. **Minimize discharge risk from stored chemicals**. Store all treatment chemicals in leak- proof containers that are kept under storm-resistant cover and surrounded by secondary containment structures (e.g., spill berms, decks, spill containment pallets), or provide equivalent measures designed and maintained to minimize the potential discharge of treatment chemicals in storm water or by any other means (e.g., storing chemicals in a covered area, having a spill kit available on site and ensuring personnel are available to respond expeditiously in the event of a leak or spill).

d. **Comply with state/local requirements**. Comply with applicable state and local requirements regarding the use of treatment chemicals.

e. **Use chemicals in accordance with good engineering practices and specifications of the chemical provider/supplier**. Use treatment chemicals and chemical treatment systems in accordance with good engineering practices, and with dosing specifications and sediment removal design specifications provided by the provider/supplier of the applicable chemicals, or document in your SWPPP specific departures from these specifications and how they reflect good engineering practice. Consider changing site conditions that may affect dosing levels such as temperature.

f. **Ensure proper training**. Ensure that all persons who handle and use treatment chemicals at the construction site are provided with appropriate, product-specific training. Among other things, the training must cover proper dosing requirements.

g. **Perform additional measures specified by DWQ for the authorized use of cationic chemicals**. If you have been authorized to use cationic chemicals at your site pursuant to Part 1.1.4.c, you must perform all additional measures as conditioned by your authorization to ensure that the use of such chemicals will not cause an exceedance of water quality standards or harm fish populations.

2.2.14. Stabilize exposed portions of the site. Implement and maintain stabilization measures (e.g., seeding protected by erosion controls until vegetation is established, sodding, mulching, erosion control blankets, hydromulch, gravel) that minimize erosion from exposed portions of the site in accordance with Parts 2.2.14.a and 2.2.14.b.

a. **Stabilization Deadlines**:

(1) Initiate the installation of stabilization measures in any areas of exposed soil where construction activities have permanently ceased or will be temporarily inactive for 14 or more calendar days as soon as possible and prior to the end of the 14th day of inactivity; and

(2) Complete the installation of stabilization measures as soon as practicable, but no later than 14 calendar days after stabilization has been initiated.[14]

(3) **Exceptions**:

(i) Arid, semi-arid, and drought-stricken areas[15] (as defined in Part 10). Where a project is an arid, semi-arid, or a seasonally dry period or a period in which drought is occurring, and vegetative stabilization measures are being used:

(1) Initiate as soon as practicable and, within 14 calendar days of a temporary or permanent cessation of work in any portion of your site, complete the installation of temporary non-vegetative stabilization measures to the extent necessary to prevent erosion;[16]

(2) As soon as practicable, given conditions or circumstances on the site, complete all activities necessary to seed or plant the area to be stabilized; and

(3) If construction is occurring during the seasonally dry period[17], indicate in your SWPPP the beginning and ending dates of the seasonally dry period and your site conditions. Also include the schedule you will follow for initiating and completing vegetative stabilization.

(ii) **Discharges to a sediment- or nutrient-impaired water** (a water having a TMDL identifying sediment or nutrients as the cause of impairment) or to a water that is high quality for antidegradation purposes (see part 3). Complete stabilization as soon as practicable, but no later than seven (7) calendar days after stabilization has been initiated.

b. **Final Stabilization Criteria** (for any areas not covered by permanent structures):

(i) Establish uniform, perennial vegetation (i.e., evenly distributed, without large bare areas) that provides 70 percent or more of the vegetative cover that was provided by vegetation prior to commencing earth-disturbing activities; and/or

(ii) Implement permanent non-vegetative stabilization measures[18] to provide effective cover.

(iii) **Exceptions**:

(1) **Arid, semi-arid, and drought-stricken areas** (as defined in Part 10). Final stabilization is met if the area has been seeded or planted in a manner that vegetation is expected to be

[14] If vegetative stabilization measures are being implemented, stabilization is considered "installed" when all activities necessary to seed or plant the area are completed. If non-vegetative stabilization measures are being implemented, stabilization is considered "installed" when all such measures are implemented or applied.

[15] If you are in an area receiving more than 20 inches of average annual precipitation that is in a drought (as determined by the NOAA drought predictor http://www.cpc.ncep.noaa.gov/products/Drought/) and a seasonal dry period, to comply with drought conditions you must identify the normal seasonal dry period in the SWPPP.

[16] The extent necessary to prevent erosion in arid and semi-arid areas means for visually flat areas, stabilization is not required (roughly from 0 percent up to 5 percent) unless an erosion concern exists. Areas with slopes roughly 5 percent to 20 percent must have, at minimum, controls to reduce storm water velocities to a point that erosion is controlled. Over a 20 percent slope requires soil surface stabilization. The amount of stabilization provided must increase commensurately with increasingly steeper slopes.

[17] The lower elevations of the Wasatch Front are semi-arid, the seasonal dry period for the Wasatch Front is June, July, and August.

[18] Examples of permanent non-vegetative stabilization measures include riprap, gravel, gabions, and geotextiles.

established within three (3) years which provides 70 percent or more of the cover that was provided by vegetation prior to commencing earth disturbing activities and, to the extent necessary to prevent erosion on the seeded or planted area, non-vegetative erosion controls meet standards in footnote 16.

(2) Disturbed areas on agricultural land that are restored to their preconstruction agricultural use. The Part 2.2.14b final stabilization criteria does not apply.

(3) Areas that need to remain disturbed. In limited circumstances, stabilization may not be required if the intended function of a specific area of the site necessitates that it remain disturbed, and only the minimum area needed remains disturbed (e.g., dirt access roads, utility pole pads, areas being used for storage of vehicles, equipment, materials).

2.3. POLLUTION PREVENTION REQUIREMENTS: Implement pollution prevention controls in accordance with the following requirements to minimize the discharge of pollutants in storm water and to prevent the discharge of pollutants from spilled or leaked materials from construction activities.

2.3.1. For equipment and vehicle fueling and maintenance:

a. Provide an effective means of eliminating the discharge of spilled or leaked chemicals, including fuels and oils, from these activities;[19]

b. If applicable, comply with the Spill Prevention Control and Countermeasures (SPCC) requirements in 40 CFR part 112 and Section 311 of the CWA;

c. Ensure adequate supplies are available at all times to handle spills, leaks, and disposal of used liquids;

d. Use drip pans and absorbents under or around leaky vehicles;

e. Dispose of or recycle oil and oily wastes in accordance with other federal, state, tribal, or local requirements; and

f. Clean up spills or contaminated surfaces immediately, using dry clean up measures (do not clean contaminated surfaces by hosing the area down), and eliminate the source of the spill to prevent a discharge or a continuation of an ongoing discharge.

2.3.2. For equipment and vehicle washing:

a. Provide an effective means of minimizing the discharge of pollutants from equipment and vehicle washing, wheel wash water, and other types of wash waters;[20]

[19] Examples of effective means include:

- Locating activities away from waters of the state and storm water inlets or conveyances so that storm water coming into contact with these activities cannot reach waters of the state;
- Providing secondary containment (e.g., spill berms, decks, spill containment pallets) and cover where appropriate; and
- Having a spill kit available on site and ensuring personnel are available to respond expeditiously in the event of a leak or spill.

b. Ensure there is no discharge of soaps, solvents, or detergents in equipment and vehicle wash water; and

c. For storage of soaps, detergents, or solvents, provide either (1) cover (e.g., plastic sheeting, temporary roofs) to minimize the exposure of these detergents to precipitation and to storm water, or (2) a similarly effective means designed to minimize the discharge of pollutants from these areas.

2.3.3. For storage, handling, and disposal of building products and materials:

a. For building materials and building products[21] that have the potential to mobilize or release pollutants, provide either (1) cover (e.g., plastic sheeting, temporary roofs) to minimize the exposure of these products to precipitation and to storm water, or (2) a similarly effective means designed to minimize the discharge of pollutants from these areas.

b. **For pesticides, herbicides, insecticides, fertilizers, and landscape materials**:

(1) In storage areas, provide either (1) cover (e.g., plastic sheeting, temporary roofs) to minimize the exposure of these chemicals to precipitation and to storm water, or (2) a similarly effective means designed to minimize the discharge of pollutants from these areas; and

(2) Comply with all application and disposal requirements included on the registered pesticide, herbicide, insecticide, and fertilizer label (see also Part 2.3.5).

c. **For diesel fuel, oil, hydraulic fluids, other petroleum products, and other chemicals**:

(1) Store chemicals in water-tight containers, and provide either (1) cover (e.g., plastic sheeting, temporary roofs) to minimize the exposure of these containers to precipitation and to storm water, or (2) a similarly effective means designed to minimize the discharge of pollutants from these areas (e.g., having a spill kit available on site and ensuring personnel are available to respond expeditiously in the event of a leak or spill), or provide secondary containment (e.g., spill berms, decks, spill containment pallets); and

(2) Clean up spills immediately, using dry clean-up methods where possible, and dispose of used materials properly. You are prohibited from hosing the area down to clean surfaces or spills. Eliminate the source of the spill to prevent a discharge or a furtherance of an ongoing discharge.

d. **For hazardous or toxic wastes**:[22]

(1) Separate hazardous or toxic waste from construction and domestic waste;

(2) Store waste in sealed containers, which are constructed of suitable materials to prevent leakage and corrosion, and which are labeled in accordance with applicable Resource

[20] Examples of effective means include locating activities away from waters of the state and storm water inlets or conveyances and directing wash waters to a sediment basin or sediment trap, using filtration devices, such as filter bags or sand filters, or using other similarly effective controls.

[21] Examples of building materials and building products typically present at construction sites include asphalt sealants, copper flashing, roofing materials, adhesives, concrete admixtures, and gravel and mulch stockpiles.

[22] Examples of hazardous or toxic waste that may be present at construction sites include paints, caulks, sealants, fluorescent light ballasts, solvents, petroleum-based products, wood preservatives, additives, curing compounds, and acids.

Conservation and Recovery Act (RCRA) requirements and all other applicable federal, state, tribal, or local requirements;

(3) Store all outside containers within appropriately-sized secondary containment (e.g., spill berms, decks, spill containment pallets) to prevent spills from being discharged, or provide a similarly effective means designed to prevent the discharge of pollutants from these areas (e.g., storing chemicals in a covered area, having a spill kit available on site);

(4) Dispose of hazardous or toxic waste in accordance with the manufacturer's recommended method of disposal and in compliance with federal, state, tribal, and local requirements;

(5) Clean up spills immediately, using dry clean-up methods, and dispose of used materials properly. You are prohibited from hosing the area down to clean surfaces or spills. Eliminate the source of the spill to prevent a discharge or a furtherance of an ongoing discharge; and

(6) Follow all other federal, state, tribal, and local requirements regarding hazardous or toxic waste.

e. **For construction and domestic wastes**:[23]

(1) Provide waste containers (e.g., dumpster, trash receptacle) of sufficient size and number to contain construction and domestic wastes;

(2) Provide containment or cover for waste that is blowable or that can leach nutrients, metals, pesticides, herbicides, oil, grease, bacteria, or other pollutants;

(3) On business days, clean up and dispose of waste in designated waste containers; and

(4) Clean up immediately if containers overflow.

f. **For sanitary waste**, position portable toilets so that they are secure and will not be tipped or knocked over. Locate them away from waters of the state and, when possible, at least 10 feet from any storm water conveyance, inlet, curb and gutter, or conduit to a waterway. If it is not possible to maintain at least 10 feet of separation, evaluate the need for additional controls such as secondary containment, additional surface preparation, or berms and implement as appropriate.

2.3.4. For washing applicators and containers used for stucco, paint, concrete, form release oils, curing compounds, or other materials:

a. Direct wash water into a leak-proof container or leak-proof and lined pit designed so that no overflows can occur due to inadequate sizing or precipitation;

b. Handle washout or cleanout wastes as follows:

(1) Do not dump liquid wastes in storm sewers or waters of the state;

(2) Dispose of liquid wastes properly[24]; and

[23] Examples of construction and domestic waste include packaging materials, scrap construction materials, masonry products, timber, pipe and electrical cuttings, plastics, styrofoam, concrete, demolition debris; and other trash or building materials.

(3) Remove and dispose of hardened concrete waste consistent with your handling of other construction wastes in Part 2.3.3; and

c. Locate any washout or cleanout activities as far away as possible from waters of the state and storm water inlets or conveyances, and, to the extent feasible, determine areas to be used for these activities and conduct such activities only in these areas.

2.3.5. For the application of fertilizers:

a. Apply at a rate and in amounts consistent with manufacturer's specifications, or document in the SWPPP departures from the manufacturer specifications where appropriate in accordance with Part 7.3.5.b.(5)(ix);

b. Apply at the appropriate time of year for your location, and preferably timed to coincide as closely as possible to the period of maximum vegetation uptake and growth;

c. Avoid applying before heavy rains that could cause excess nutrients to be discharged;

d. Never apply to frozen ground;

e. Never apply to storm water conveyance channels; and

f. Follow all other federal, state, tribal, and local requirements regarding fertilizer application.

2.3.6. Emergency Spill Notification Requirements: Discharges of toxic or hazardous substances from a spill or other release are prohibited (see Part 1.3). Where a leak, spill, or other release containing a hazardous substance or oil in an amount equal to or in excess of a reportable quantity established under either 40 CFR 110, 40 CFR 117, or 40 CFR 302 occurs during a 24-hour period, you must notify the National Response Center (NRC) at (800) 424-8802 in accordance with the requirements of 40 CFR 110, 40 CFR 117, and 40 CFR 302 as soon as you have knowledge of the release. You must also, within seven (7) calendar days of knowledge of the release, provide a description of the release, the circumstances leading to the release, and the date of the release. State, tribal, or local requirements may necessitate additional reporting of spills or discharges to local emergency response, public health, or drinking water supply agencies.

2.3.7. Construction Dewatering Requirements: Water or accumulated storm water that is removed from excavations, trenches, foundations, vaults, or other similar points of accumulation must be permitted by UPDES permit UTG070000 (UPDES Construction Dewatering and Hydrostatic Test Permit) in accordance with Part 1.2.5., unless it can be managed on site. An option for on site management is percolation of the water back into the ground (assuming it is uncontaminated).

[24] Proper disposal of liquid waste: 1) evaporate the waste and dispose of the residual solids with other solid waste, 2) have a liquid waste hauler for wash water haul it off and dispose of it, 3) settle it and pretreat it if necessary with arrangements to discharge the liquid waste to a treatment plant that has the ability to treat it and dispose of it.

3. WATER QUALITY-BASED EFFLUENT LIMITATIONS.

3.1. GENERAL EFFLUENT LIMITATION TO MEET APPLICABLE WATER QUALITY STANDARDS.

Discharges must be controlled as necessary to meet applicable water quality standards. DWQ expects that compliance with the conditions in this permit will result in storm water discharges being controlled as necessary to meet applicable water quality standards. If at any time you become aware, or DWQ determines, that discharges are not being controlled as necessary to meet applicable water quality standards, you must take corrective action as required in Parts 5.1 and 5.2, and document the corrective actions as required in Part 5.4.

DWQ may insist that you install additional controls on a site-specific basis, or require you to obtain coverage under an individual permit, if information in your NOI or from other sources indicates that your discharges are not controlled as necessary to meet applicable water quality standards. This includes situations where additional controls are necessary to comply with a wasteload allocation in an EPA-established or approved TMDL.

The NOI process requires that you determine if the watershed that you discharge into is impaired or if it is considered high quality. Only the first surface water you discharge to is used when determining if your discharge enters an impaired or high quality waterbody. For discharges that enter a storm water system prior to discharge, the first water of the state to which you discharge is the waterbody that receives the storm water discharge from the storm sewer system. Please refer to water quality information at http://mapserv.utah.gov/surfacewaterquality/

Each of these cases, impaired or high quality, may require an extra effort to maintain water quality standards. An impaired water body can have an approved TMDL (see Part 10 for definitions) or it can be on the list waiting a TMDL study. An EPA-approved TMDL is a water quality standard. If your project is in an area covered by an EPA-approved TMDL that has sediment or nutrients (particularly phosphorus) identified as the pollutant(s) of concern, you must provide an extra effort to prevent sediment from leaving the site. Nutrients are a component in topsoil from natural biotic systems. Nitrogen (a nutrient) is infused into the soil from biotic systems but also at times from the atmosphere during certain weather conditions. Some soils have phosphorus (a nutrient) from geologic formations in addition to biotic sources. Special efforts including site controls and management efforts must be employed for impaired or high quality waters, but especially for areas with TMDLs identifying sediment or nutrients as the pollutants of concern. Your SWPPP must show the special efforts you are taking for sensitive water bodies.

3.2. DISCHARGE LIMITATIONS FOR SITES DISCHARGING TO SENSITIVE WATERS[25]

For any portion of the site that discharges to a sediment or nutrient-impaired water or to a water that is identified as impaired or high quality you must comply with the inspection frequency specified in 4.3 and you must comply with the stabilization deadline specified in Part 2.2.14.[26]

[25] Your construction site will be considered to discharge to an impaired or high quality water if the first water to which you discharge is an impaired or high quality water for the pollutants contained in the discharge from your site. For discharges that enter a storm sewer system prior to discharge, the first water to which you discharge is the waterbody that receives the storm water discharge from the storm sewer system.

If you discharge to a water that is impaired for a parameter other than sediment or nutrients, you must address that parameter in your SWPPP if that pollutant has a presence in the construction process for your site. If the impaired parameter is naturally occurring in soils, it is assumed that the erosion control BMPs required by this permit will address the concern and it does not need to be addressed in the SWPPP as a pollutant source. You must deploy whatever control mechanisms that's needed to limit the discharge of that pollutant to meet water quality standards. This includes, if requested by DWQ, comparing the load discharged from the site for that pollutant to ensure it does not exceed a wasteload allocation for that pollutant in the applicable TMDL for the watershed.

[26] If you qualify for any of the reduced inspection frequencies in Part 4.4, you may conduct inspections in accordance with Part 4.4 for any portion of your site that discharges to a sensitive water.

4. SITE INSPECTION REQUIREMENTS.

4.1. PERSON(S) RESPONSIBLE FOR INSPECTING THE SITE. The person(s) inspecting your site may be a person on your staff or a third party you hire to conduct such inspections. You are responsible for ensuring that the person who conducts inspections is a "qualified person" and currently certified.

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

(1) Utah Registered Storm Water Inspector (RSI)

(2) Certified Professional in Erosion and Sediment Control (CPESC)

(3) Certified Professional in Storm Water Quality (CPSWQ)

(4) Certified Erosion, Sediment, and Storm Water Inspector (CESSWI)

(5) Certified Inspector of Sediment and Erosion Control (CISEC)

(6) National Institute for Certification in Engineering Technologies, Erosion and Sediment Control, Level 3 (NICET)

(7) Utah Department of Transportation Environmental Control Supervisor (ECS)

4.2. FREQUENCY OF INSPECTIONS.[27] At a minimum, you must conduct a site inspection in accordance with one of the two schedules listed below, unless you are subject to the Part 4.3 site inspection frequency for discharges to sensitive waters or qualify for a Part 4.4 reduction in the inspection frequency:

4.2.1. At least once every seven (7) calendar days; or

4.2.2. Once every 14 calendar days and within 24 hours of the occurrence of a storm event of 0.50 inches or greater, or the occurrence of runoff from snowmelt sufficient to cause a discharge.[28] To determine if a storm event of 0.50 inches or greater has occurred on your site, you must either keep a properly maintained rain gauge on your site, or obtain the storm event information from a weather station that is representative of your location. For any day of rainfall during normal business hours that measures 0.50 inches or greater, you must record the total rainfall measured for that day in accordance with Part 4.7.1.d.

4.3. INCREASE IN INSPECTION FREQUENCY FOR SITES DISCHARGING TO SENSITIVE WATERS. For any portion of the site that discharges to a sediment or nutrient-

[27] Inspections are only required during the site's normal working hours.

[28] "Within 24 hours of the occurrence of a storm event" means that you must conduct an inspection within 24 hours once a storm event has produced 0.50 inches within a 24-hour period, even if the storm event is still continuing. Thus, if you have elected to inspect bi-weekly in accordance with Part 4.2.2 and there is a storm event at your site that continues for multiple days, and each day of the storm produces 0.50 inches or more of rain, you must conduct an inspection within 24 hours of the first day of the storm and within 24 hours after the end of the storm.

impaired water or to a high quality water (see Part 3), instead of the inspection frequency specified in Part 4.2, you must conduct inspections in accordance with the following inspection frequencies:

Once every seven (7) calendar days and within 24 hours of the occurrence of a storm event of 0.50 inches or greater, or the occurrence of runoff from snowmelt sufficient to cause a discharge. To determine if a storm event of 0.50 inches or greater has occurred on your site, you must either keep a properly maintained rain gauge on your site, or obtain the storm event information from a weather station that is representative of your location. For any day of rainfall during normal business hours that measures 0.50 inches or greater, you must record the total rainfall measured for that day in accordance with Part 4.7.1d.

4.4. REDUCTIONS IN INSPECTION FREQUENCY.

4.4.1. STABILIZED AREAS.

a. **Temporarily Stabilized Areas**. You may reduce the frequency of inspections to twice per month for the first month, no more than 14 calendar days apart, then once per month in any area of your site where the stabilization steps in part 2.2.14.a. have been completed. If construction activity resumes in this portion of the site at a later date, the inspection frequency immediately increases to that required in Parts 4.2 and 4.3, as applicable. You must document the beginning and ending dates of this period in your SWPPP.

b. **Permanently Stabilized Areas.** Inspections requirements are suspended.

c. **Exception For "Linear Construction Sites"** (as defined in Part 10) where disturbed portions have undergone final stabilization at the same time active construction continues on others, you may reduce the frequency of inspections to twice per month for the first month, no more than 14 calendar days apart, in any area of your site where the stabilization steps in 2.2.14.a have been completed. After the first month, inspect once more within 24 hours of the occurrence of a storm event of 0.50 inches or greater. If there are no issues or evidence of stabilization problems, you may suspend further inspections. If "wash-out" of stabilization materials and/or sediment is observed, following re-stabilization, inspections must resume at the inspection frequency required in Part 4.4.1.a. Inspections must continue until final stabilization is visually confirmed following a storm event of 0.50 inches or greater.

4.4.2. ARID, SEMI-ARID (as defined in Part 10). For inspection frequencies (shown below) where it is required to inspect after a storm event, to determine if a storm event of 0.50 inches or greater has occurred on your site you must either keep a properly maintained rain gauge on your site or obtain the storm event information from a weather station that is representative of your location.

a. **Arid Areas:** Inspections are required once a month and within 24 hours of the occurrence of a storm event of 0.50 inches or greater.

b. **Semi-Arid Areas:** Inspections are the same as in parts 4.2.1 and 4.2.2 except for the seasonally dry times of the year where they go to once a month and within 24 hours of the occurrence of a

storm event of 0.50 inches or greater.[29] Where the inspection frequency changes to once a month the SWPPP must show the reference for the seasonally dry time period.

4.4.3. Frozen conditions

a. If you are suspending construction activities due to frozen conditions, you may temporarily suspend inspections on your site until thawing conditions (as defined in Part 10) begin to occur if:

(1) Runoff is unlikely due to continuous frozen conditions that are likely to continue at your site for at least three (3) months based on historic seasonal averages. If unexpected weather conditions (such as above freezing temperatures or rain events) make discharges likely, you must immediately resume your regular inspection frequency as described in Parts 4.2 and 4.3, as applicable;

(2) Land disturbances have been suspended; and

(3) Disturbed areas of the site have been stabilized, where possible, in accordance with Part 2.2.14.a.

b. If you are still conducting construction activities during frozen conditions, you may reduce your inspection frequency to once per month if:

(1) Runoff is unlikely due to continuous frozen conditions that are likely to continue at your site for at least three (3) months based on historic seasonal averages. If unexpected weather conditions (such as above freezing temperatures or rain events) make discharges likely, you must immediately resume your regular inspection frequency as described in Parts 4.2 and 4.3, as applicable; and

(2) Except for areas in which you are actively conducting construction activities, disturbed areas of the site have been stabilized in accordance with Part 2.2.14.a.

You must document the beginning and ending dates of this period in your SWPPP.

4.5. AREAS THAT MUST BE INSPECTED: During your site inspection, you must at a minimum inspect the following areas of your site:

4.5.1. All areas that have been cleared, graded, or excavated and that have not yet completed stabilization consistent with Part 2.2.14.a;

4.5.2. All storm water controls (including pollution prevention controls) installed at the site to comply with this permit;[30]

4.5.3. Material, waste, borrow, and equipment storage and maintenance areas that are covered by this permit;

4.5.4. All areas where storm water typically flows within the site, including drainage ways designed to divert, convey, and/or treat storm water;

[29] The Seasonally dry period for the semi-arid areas on the Wasatch Front is June, July, and August. For other areas there are a few internet sites where it is possible to look up the annual rainfall for an area.

[30] This includes the requirement to inspect for sediment that has been tracked out from the site onto paved roads, sidewalks, or other paved areas consistent with Part 2.2.4.

4.5.5. All points of discharge from the site; and

4.5.6. All locations where stabilization measures have been implemented.

4.5.7. You are not required to inspect areas that, at the time of the inspection, are considered unsafe to your inspection personnel.

4.6. REQUIREMENTS FOR INSPECTIONS; During your site inspection, you must at a minimum:

4.6.1. Check whether all storm water controls (i.e., erosion and sediment controls and pollution prevention controls) are properly installed, appear to be operational, and are working as intended to minimize pollutant discharges. Consider what has caused a BMP's failure if it is not operational;

4.6.2. Check for the presence of conditions that could lead to spills, leaks, or other accumulations of pollutants on the site;

4.6.3. Identify any locations where new or modified storm water controls are necessary to meet the requirements of Parts 2 and/or 3;

4.6.4. Check for signs of visible erosion and sedimentation (i.e., sediment deposits) that have occurred and are attributable to your discharge at points of discharge and, if applicable, the banks of any waters of the state flowing within or immediately adjacent to the site;

4.6.5. Identify any incidents of noncompliance observed;

4.6.6. If a discharge is occurring during your inspection:

a. Identify all discharge points at the site; and

b. Observe and document the visual quality of the discharge, and take note of the characteristics of the storm water discharge, including color; odor; floating, settled, or suspended solids; foam; oil sheen; and other indicators of storm water pollutants.

4.6.7. Based on the results of your inspection, complete any necessary maintenance under Part 2.1.4 and corrective action under Part 5.

4.7. INSPECTION REPORT[31]

4.7.1. You must complete an inspection report within 24 hours of completing any site inspection. Each inspection report must include the following:

a. The inspection date;

b. The UPDES CGP permit tracking number;

c. Names and titles of personnel making the inspection;

d. A summary of your inspection findings, covering at a minimum the observations you made in accordance with Part 4.6, including any necessary maintenance or corrective actions;

e. If you are inspecting your site at the frequency specified in Part 4.2.2, Part 4.3, Part 4.4.1.c, Part 4.4.2.a, or Part 4.4.2.b and you conducted an inspection because of rainfall measuring 0.50

[31] See DWQ construction storm water web page for ideas and examples of self-inspection forms.

inches or greater, you must include the applicable rain gauge or weather station readings that triggered the inspection; and

f. If you determined that it is unsafe to inspect a portion of your site, you must describe the reason you found it to be unsafe and specify the locations to which this condition applies.

4.7.2. Each inspection report must be signed in accordance with 9.16(1)b. of this permit.

4.7.3. You must keep a copy, in paper or electronic form, of all inspection reports at the site or at an easily accessible location, so that it can be made available at the time of an on-site inspection or upon request by DWQ, a local municipality of jurisdiction, or by the EPA.

4.7.4. You must retain all inspection reports completed for this Part for at least three (3) years from the date that your permit coverage expires or is terminated.

4.8. INSPECTIONS BY DWQ MS4 OR EPA: You must allow an authorized representative of DWQ, the MS4 of jurisdiction or the EPA to conduct the following activities at reasonable times. To the extent that you are utilizing shared controls that are not on site to comply with this permit, you must make arrangements for DWQ to have access at all reasonable times to those areas where the shared controls are located.

4.8.1. Enter onto all areas of the site, including any construction support activity areas covered by this permit, any off-site areas where shared controls are utilized to comply with this permit, discharge locations, adjoining waterbodies, and locations where records are kept under the conditions of this permit;

4.8.2. Access and copy any records that must be kept under the conditions of this permit;

4.8.3. Inspect your construction site, including any construction support activity areas covered by this permit (see Part 1.2.2), any storm water controls installed and maintained at the site, and any off-site shared controls utilized to comply with this permit; and

4.8.4. Sample or monitor for the purpose of ensuring compliance.

5. CORRECTIVE ACTIONS

5.1. CONDITIONS TRIGGERING CORRECTIVE ACTION: You must take corrective action to address any of the following conditions identified at your site:

5.1.1. A storm water control needs repair or replacement (beyond routine maintenance required under Part 2.1.4); or

5.1.2. A storm water control necessary to comply with the requirements of this permit was never installed, or was installed incorrectly; or

5.1.3. Your discharges are causing an exceedance of applicable water quality standards; or

5.1.4. A prohibited discharge has occurred (see Part 1.3).

5.2. CORRECTIVE ACTION DEADLINES: For any corrective action triggering conditions in Part 5.1, you must:

5.2.1. When site conditions warrant immediate attention, take all reasonable steps to minimize or prevent the discharge of pollutants until a permanent solution for the problem is installed and made operational;

5.2.2. When the problem does not require a new or replacement control or significant repair, the corrective action must be completed by the close of the next business day;

5.2.3. When the problem requires a new or replacement control or significant repair, the corrective action must be completed no later than seven (7) calendar days from the time of discovery. If it is infeasible to complete the installation or repair within seven (7) calendar days (e.g., due to availability of materials, excessive costs to expedite shipping or activities, or lengthy installation times) you must document in your records why it is infeasible and provide a reasonable correction schedule.

5.3. CORRECTIVE ACTION REQUIRED BY DWQ: You must comply with any corrective actions required by DWQ as a result of permit violations found during an inspection carried out under Part 4.8.

5.4. CORRECTIVE ACTION REPORT: For each corrective action taken in accordance with this Part, you must complete a report in accordance with the following:

5.4.1. Within 24 hours of identifying the corrective action condition, document the specific condition and the date and time it was identified.

5.4.2. Within 24 hours of the observed completion of a corrective action and in accordance with the deadlines in Part 5.2, document the actions taken to address the condition, including the date and whether any SWPPP modifications are required.

5.4.3. Where these actions result in changes to any of the storm water controls or procedures documented in your SWPPP, you must modify your SWPPP (and SWPPP map) accordingly within seven (7) calendar days of completing this work.

5.4.4. You must keep a copy of all corrective action reports at the site or at an easily accessible location, so that it can be made available at the time of an on-site inspection or upon request by

DWQ. Corrective action reports may be maintained and made available in paper or electronically.

5.4.5. You must retain all corrective action reports completed for this Part for at least three (3) years from the date that your permit coverage expires or is terminated.

6. STAFF TRAINING REQUIREMENTS

Each operator, or group of multiple operators, must assemble a "storm water team" to carry out compliance activities associated with the requirements in this permit.

6.1. PRIOR TO THE COMMENCEMENT OF CONSTRUCTION ACTIVITIES, you must ensure that the following personnel[32] on the storm water team understand the requirements of this permit and their specific responsibilities with respect to those requirements:

6.1.1. Personnel who are responsible for the design, installation, maintenance, and/or repair of storm water controls (including pollution prevention controls);

6.1.2. Personnel responsible for the application and storage of treatment chemicals (if applicable);

6.1.3. Personnel who are responsible for conducting inspections as required in Part 4.1; and

6.1.4. Personnel who are responsible for taking corrective actions as required in Part 5.

6.2. YOU ARE RESPONSIBLE FOR ENSURING THAT ALL ACTIVITIES ON THE SITE COMPLY with the requirements of this permit. You are not required to provide formal training for subcontractors or other outside service providers, but you must ensure that such personnel understand any requirements of this permit that may be affected by the work they are subcontracted to perform. You should document that you have explained or have given subcontractors information about how to perform their work in compliance with the SWPPP.

6.3. AT A MINIMUM, MEMBERS OF THE STORM WATER TEAM MUST BE TRAINED to understand the following if related to the scope of their job duties (e.g., only personnel responsible for conducting inspections need to understand how to conduct inspections):

6.3.1. The permit deadlines associated with installation, maintenance, and removal of storm water controls and with stabilization;

6.3.2. The location of all storm water controls on the site required by this permit and how they are to be maintained;

6.3.3. The proper procedures to follow with respect to the permit's pollution prevention requirements; and

6.3.4. When and how to conduct inspections, record applicable findings, and take corrective actions.

6.4. EACH MEMBER OF THE STORM WATER TEAM MUST HAVE EASY ACCESS TO AN ELECTRONIC OR PAPER COPY of applicable portions of this permit, the most updated copy of your SWPPP, and other relevant documents or information that must be kept with the SWPPP.

[32] If the person requiring training is a new employee who starts after you commence construction activities, you must ensure that this person has the proper understanding as required above prior to assuming particular responsibilities related to compliance with this permit.

7. STORM WATER POLLUTION PREVENTION PLAN (SWPPP)

7.1. GENERAL REQUIREMENTS

All operators associated with a construction site under this permit must develop a SWPPP consistent with the requirements in Part 7 prior to their submittal of the NOI.[33] The SWPPP must be kept up-to-date throughout coverage under this permit.

If a SWPPP was prepared under a previous version of this permit, the operator must review and update the SWPPP to ensure that this permit's requirements are addressed prior to submitting an NOI for coverage under this permit.

7.2. SWPPP WRITER/REVIEWER CERTIFICATION REQUIREMENT Beginning January 1, 2021, a "qualified" SWPPP writer must write or certify SWPPPs for all projects disturbing greater than 5 acres, including small construction projects (1 to 5 acres) that have a perennial surface water within 50 feet of the project, or having a steep slope (70% or 35 degrees or more) with an elevation change from the slope of 10 feet or more (at any point during the time of construction – not including stock piles). A "qualified" SWPPP writer is knowledgeable in the principles and practices that must be considered in the development of a SWPPP. Acceptable qualifications include but are not limited to:

a. Utah Registered SWPPP Writer (RSW)

b. Licensed Professional Engineer (PE) in a related field or Professional Geologist (PG)

c. Certified Professional in Erosion and Sediment Control (CPESC)

d. Certified Professional in Storm Water Quality (CPSWQ)

e. National Institute for Certification in Engineering Technologies, Erosion and Sediment Control, Level 3 (NICET)

7.3. SWPPP CONTENTS. At a minimum, the SWPPP must include the information specified in this Part and as specified in other parts of this permit.

7.3.1. Storm Water Team. Identify the personnel (by name or position) that are part of the storm water team, as well as their individual responsibilities, including which members are responsible for conducting inspections.

7.3.2. Nature of Construction Activities.[34] Include the following:

a. A description of the nature of your construction activities, including the age or dates of past renovations for structures that are undergoing demolition;

b. The size of the property (in acres or length in miles if a linear construction site);

[33] The SWPPP does not establish the effluent limits that apply to your site's discharges; these limits are established in this permit in Parts 2 and 3.

[34] If plans change due to unforeseen circumstances or for other reasons, the requirement to describe the sequence and estimated dates of construction activities is not meant to "lock in" the operator to meeting these dates. When departures from initial projections are necessary, this should be documented in the SWPPP itself, or in associated records, as appropriate.

c. The total area expected to be disturbed by the construction activities including on-site and off-site construction support activity areas (to the nearest quarter acre or nearest quarter mile if a linear construction site);

d. A description of any on-site and off-site construction support activity areas covered by this permit (see Part 1.2.2);

e. A description and projected schedule for the following:

(1) Commencement of construction activities in each portion of the site, including clearing and grubbing, mass grading, demolition activities, site preparation (i.e., excavating, cutting and filling), final grading, and creation of soil and vegetation stockpiles requiring stabilization;

(2) Temporary or permanent cessation of construction activities in each portion of the site;

(3) Temporary or final stabilization of exposed areas for each portion of the site; and

(4) Removal of temporary storm water controls and construction equipment or vehicles, and the cessation of construction-related pollutant-generating activities.

f. A list and description of all pollutant-generating activities[35] on the site. For each pollutant-generating activity, include an inventory of pollutants or pollutant constituents (e.g., sediment, fertilizers, pesticides, paints, caulks, sealants, fluorescent light ballasts, contaminated substrates, solvents, fuels) associated with that activity, which could be discharged in storm water from your construction site. You must take into account where potential spills and leaks could occur that contribute pollutants to storm water discharges, and any known hazardous or toxic substances, such as PCBs and asbestos, that will be disturbed or removed during construction;

g. Business days and hours for the project;

7.3.3. Site Map. Include a legible map, or series of maps, showing the following features of the site:

a. Boundaries of the property;

b. Locations where construction activities will occur, including:

(1) Locations where earth-disturbing activities will occur (note any phasing), including any demolition activities;

(2) Approximate slopes before and after major grading activities (note any steep slopes (as defined in Part 10));

(3) Locations where sediment, soil, or other construction materials will be stockpiled;

(4) Any water of the state crossings;

(5) Designated points where vehicles will exit onto paved roads;

(6) Locations of structures and other impervious surfaces upon completion of construction; and

(7) Locations of on-site and off-site construction support activity areas covered by this permit (see Part 1.2.2).

[35] Examples of pollutant-generating activities include paving operations; concrete, paint, and stucco washout and waste disposal; solid waste storage and disposal; and dewatering operations

c. Locations of all waters of the state within one mile downstream of the site's discharge point. Also identify if any are listed as impaired or high quality water;

d. Type and extent of pre-construction cover on the site (e.g., vegetative cover, forest, pasture, pavement, structures);

e. Drainage patterns of storm water and authorized non-storm water before and after major grading activities;

f. Storm water and authorized non-storm water discharge locations, including:

(1) Locations where storm water and/or authorized non-storm water will be discharged to storm drain inlets;[36] and

(2) Locations where storm water or authorized non-storm water will be discharged directly to waters of the state.

g. Locations of all potential pollutant-generating activities identified in Part 7.3.2.g;

h. Locations of storm water controls, including natural buffer areas and any shared controls utilized to comply with this permit; and

i. Locations where polymers, flocculants, or other treatment chemicals will be used and stored.

7.3.4. Non-Storm water Discharges. Identify all authorized non-storm water discharges in Part 1.2.3 that will or may occur.

7.3.5. Description of Storm water Controls.

a. For each of the Part 2.2 erosion and sediment control effluent limits, Part 2.3 pollution prevention effluent limits as applicable to your site, you must include the following:

(1) A description of the specific control(s) to be implemented to meet the effluent limit;

(2) Any applicable storm water control design specifications (including references to any manufacturer specifications and/or erosion and sediment control manuals/ordinances relied upon);[37]

(3) Routine storm water control maintenance specifications; and

(4) The projected schedule for storm water control installation/implementation.

b. You must also include any of the following additional information as applicable.

(1) **Natural buffers** and/or equivalent sediment controls (see Part 2.2.1 and Part 10). You must include the following:

(i) The compliance alternative to be implemented;

[36] The requirement to show storm drain inlets in the immediate vicinity of the site on your site map only applies to those inlets that are easily identifiable from your site or from a publicly accessible area immediately adjacent to your site.

[37] Design specifications may be found in manufacturer specifications and/or in applicable erosion and sediment control manuals or ordinances. Any departures from such specifications must reflect good engineering practice and must be explained in the SWPPP.

(ii) If complying with alternative 2, the width of natural buffer retained;

(iii) If complying with alternative 2 or 3, the erosion and sediment control(s) you will use to achieve an equivalent sediment reduction, and any information you relied upon to demonstrate the equivalency;

(iv) If complying with alternative 3, a description of why it is infeasible for you to provide and maintain an undisturbed natural buffer of any size;

(v) For "linear construction sites" where it is infeasible to implement compliance alternative 1, 2, or 3, a rationale for this determination, and a description of any buffer width retained and/or supplemental erosion and sediment controls installed; and

(vi) A description of any disturbances that are exempt under Part 2.2.1 that occur within 50 feet of a water of the state.

(2) **Perimeter controls for a "linear construction site**" (see Part 2.2.3). For areas where perimeter controls are not feasible, include documentation to support this determination and a description of the other practices that will be implemented to minimize discharges of pollutants in storm water associated with construction activities.

Note: Routine maintenance specifications for perimeter controls documented in the SWPPP must include the Part 2.2.3.a requirement that sediment be removed before it has accumulated to one-half of the above-ground height of any perimeter control.

(3) **Sediment track-out controls** (see Parts 2.2.4.b and 2.2.4.c). Document the specific stabilization techniques and/or controls that will be implemented to remove sediment prior to vehicle exit.

(4) **Sediment basins** (see Part 2.2.12). In circumstances where it is infeasible to utilize outlet structures that withdraw water from the surface, include documentation to support this determination, including the specific conditions or time periods when this exception will apply.

(5) **Treatment chemicals** (see Part 2.2.13), you must include the following:

(i) A listing of the soil types that are expected to be exposed during construction in areas of the project that will drain to chemical treatment systems. Also include a listing of soil types expected to be found in fill material to be used in these same areas, to the extent you have this information prior to construction;

(ii) A listing of all treatment chemicals to be used at the site and why the selection of these chemicals is suited to the soil characteristics of your site;

(iii) If DWQ authorized you to use cationic treatment chemicals for sediment control, include the specific controls and implementation procedures designed to ensure that your use of cationic treatment chemicals will not lead to an exceedance of water quality standards, or harm to aquatic life;

(iv) The dosage of all treatment chemicals to be used at the site or the methodology to be used to determine dosage;

(v) Information from any applicable Safety Data Sheet (SDS);

(vi) Schematic drawings of any chemically enhanced storm water controls or chemical treatment systems to be used for application of the treatment chemicals;

(vii) A description of how chemicals will be stored consistent with Part 2.2.13.c;

(viii) References to applicable local requirements affecting the use of treatment chemicals, and copies of applicable manufacturer's specifications regarding the use of your specific treatment chemicals and/or chemical treatment systems; and

(ix) A description of the training that personnel who handle and apply chemicals have received prior to permit coverage, or will receive prior to use of the treatment chemicals at your site.

(6) **Stabilization measures** (see Part 2.2.14). You must include the following:

(i) The specific vegetative and/or non-vegetative practices that will be used;

(ii) The stabilization deadline that will be met in accordance with Part 2.2.14.a(1)-(2);

(iii) It is important to meet the deadlines during the wet times of the year (if the area has a wet time of the year). During the dry times of the year the significance of stabilization deadlines is less important.

(7) **Spill prevention and response procedures** (see Part 1.3.5 and Part 2.3). You must include the following:

(i) Procedures for expeditiously stopping, containing, and cleaning up spills, leaks, and other releases. Identify the name or position of the employee(s) responsible for detection and response of spills or leaks; and

(ii) Procedures for notification of appropriate facility personnel, emergency response agencies, and regulatory agencies where a leak, spill, or other release containing a hazardous substance or oil in an amount equal to or in excess of a reportable quantity consistent with Part 2.3.6 and established under either 40 CFR 110, 40 CFR 117, or 40 CFR 302, occurs during a 24-hour period. Contact information must be in locations that are readily accessible and available to all employees.

(iii) You may also reference the existence of Spill Prevention Control and Countermeasure (SPCC) plans developed for the construction activity under Part 311 of the CWA, or spill control programs otherwise required by an UPDES permit for the construction activity, provided that you keep a copy of that other plan on site or electronically available.[38]

(8) **Waste management procedures** (see Part 2.3.3). Describe the procedures you will follow for handling, storing and disposing of all wastes generated at your site consistent with state and local requirements, including clearing and demolition debris, removal of spoil (excess dirt) from the site, construction and domestic waste, hazardous or toxic waste, and sanitary waste.

[38] Even if you already have an SPCC or other spill prevention plan in existence, your plans will only be considered adequate if they meet all of the requirements of this Part, either as part of your existing plan or supplemented as part of the SWPPP

(9) **Application of fertilizers** (see Part 2.3.5). Document any departures from the manufacturer specifications where appropriate.

7.3.6. Procedures for Inspection, Maintenance, and Corrective Action. Describe the procedures you will follow for maintaining your storm water controls, conducting site inspections, and, where necessary, taking corrective actions, in accordance with Part 2.1.4, Part 4, and Part 5 of this permit. Also include:

a. Personnel responsible for conducting inspections;

b. The inspection schedule you will follow, which is based on whether your site is subject to Part 4.2 or Part 4.3, or whether your site qualifies for any of the reduced inspection frequencies in Part 4.4;

c. If you will be conducting inspections in accordance with the inspection schedule in Part 4.2.2, or Part 4.3, the location of the rain gauge or the address of the weather station you will be using to obtain rainfall data;

d. If you will be reducing your inspection frequency in accordance with Part 4.4.3, the beginning and ending dates of frozen conditions on your site; and

e. Any maintenance or inspection checklists or other forms that will be used.

7.3.7. Staff Training. Include documentation that the required personnel were, or will be, trained in accordance with Part 6.

7.3.8. Compliance with Other Requirements.

a. **Utah Water Quality Act Underground Injection Control (UIC) Program Requirements for Certain Subsurface Storm Water Controls**. If you are using any of the following storm water controls at your site, as they are described below, you must document any contact you have had with DWQ for implementing the requirements for underground injection wells in the Safe Drinking Water Act and DEQ's implementing regulations at UAC R317-7. In addition there may be local requirements related to such structures. Such controls (below) would generally be considered Class V UIC wells and all Class V UIC wells must be reported to DWQ for an inventory:

b. Infiltration trenches (if storm water is directed to any bored, drilled, driven shaft or dug hole that is deeper than its widest surface dimension, or has a subsurface fluid distribution system);

c. Commercially manufactured pre-cast or pre-built proprietary subsurface detention vaults, chambers, or other devices designed to capture and infiltrate storm water flow; and

d. Drywells, seepage pits, or improved sinkholes (if storm water is directed to any bored, drilled, driven shaft or dug hole that is deeper than its widest surface dimension, or has a subsurface fluid distribution system).

7.3.9. SWPPP Certification. You must sign and date your SWPPP in accordance with 9.16(1)a.

7.3.10. Post-Authorization Additions to the SWPPP. Once you are authorized for coverage under this permit, you must include the following documents as part of your SWPPP:

a. A copy of your NOI submitted to DWQ, the Authorization to Discharge Letter, along with any correspondence exchanged between you and DWQ related to coverage under this permit;

b. A copy of this permit (an electronic copy easily available to the storm water team is also acceptable).

7.4. ON-SITE AVAILABILITY OF YOUR SWPPP

7.4.1. You must keep a current copy of your SWPPP at the site or at an easily accessible location so that it can be made available at the time of an on-site inspection or upon request by DWQ, the EPA, or an MS4. The SWPPP can be stored electronically as long as personnel on-site can access it and make it available for inspector review.

7.5. SWPPP MODIFICATIONS.

7.5.1. You must modify your SWPPP, including the site map(s), within seven (7) days of any of the following conditions:

a. Whenever you make changes to your construction plans, storm water controls, or other activities at your site that are no longer accurately reflected in your SWPPP. This includes changes made in response to corrective actions triggered under Part 5. You do not need to modify your SWPPP if the estimated dates in Part 7.3.2.f change during the course of construction;

b. To reflect areas on your site map where operational control has been transferred (e.g., new general contractor or owner),note the change and the date of transfer since initiating permit coverage;

c. If inspections or investigations by DWQ or its authorized representatives determine that SWPPP modifications are necessary for compliance with this permit;

d. Where DWQ determines it is necessary to install and/or implement additional controls at your site in order to meet the requirements of this permit, the following must be included in your SWPPP:

(1) A copy of any correspondence describing such measures and requirements; and

(2) A description of the controls that will be used to meet such requirements.

e. To reflect any revisions to applicable federal, state, tribal, or local requirements that affect the storm water controls implemented at the site; and

f. If applicable, if a change in chemical treatment systems or chemically enhanced storm water control is made, including use of a different treatment chemical, different dosage rate, or different area of application.

7.5.2. You must maintain records showing the dates of all SWPPP modifications. The records must include the name of the person authorizing each change (see Part 7.5.1 above) and a brief summary of all changes.

7.5.3. All modifications made to the SWPPP consistent with Part 7.5 must be authorized by a person identified in 9.16.(1)b.

7.5.4. Upon determining that a modification to your SWPPP is required, you must notify any persons or subcontractors that may be impacted by the change to the SWPPP.

8. HOW TO TERMINATE COVERAGE. Until you terminate coverage under this permit, you must comply with all conditions and effluent limitations in the permit. To terminate permit coverage, you must submit to DWQ a complete and accurate Notice of Termination (NOT, the NOT can be done online in the same account that the NOI was taken out in), which certifies that you have met the requirements for terminating in Part 8.

8.1. MINIMUM INFORMATION REQUIRED IN NOT.

8.1.1. UPDES ID (i.e., permit tracking number) provided by DWQ when you received coverage under this permit;

8.1.2. Basis for submission of the NOT (see Part 8.2);

8.1.3. Operator contact information;

8.1.4. Name of site and address (or a description of location if no street address is available); and

8.1.5. NOT certification.

8.2. CONDITIONS FOR TERMINATING CGP COVERAGE. You must terminate CGP coverage only if one or more of the following conditions has occurred:

8.2.1. You have completed all construction activities at your site and, if applicable, construction support activities covered by this permit (see Part 1.2.2.c), and you have met the following requirements:

a. You have met the requirements for final vegetative or non-vegetative stabilization in Part 2.2.14.b for any areas that (1) were disturbed during construction, (2) are not covered over by permanent structures, and (3) over which you had control during the construction activities.;

b. You have removed and properly disposed of all construction materials, waste and waste handling devices, and have removed all equipment and vehicles that were used during construction, unless intended for long-term use following your termination of permit coverage;

c. You have removed all storm water controls that were installed and maintained during construction, except those that are intended for long-term use following your termination of permit coverage or those that are biodegradable; and

d. You have removed all potential pollutants and pollutant-generating activities associated with construction, unless needed for long-term use following your termination of permit coverage; or

8.2.2. You have transferred control of all areas of the site for which you are responsible under this permit to another operator, and that operator has submitted a new NOI and obtained coverage under this permit. This only applies if the new operator obtains a new NOI. Termination is not required if a transfer form has been signed by both the previous operator and the new one to move the existing coverage; or

8.2.3. Coverage under an individual or alternative general UPDES permit has been obtained.

8.2.4. Completed homes that are occupied by home owners where at least temporary sediment and erosion controls are in place are allowed to be terminated without final stabilization. If a home owner buys a newly completed house the permit can be terminated while the property is being transferred to the home owner. The home owner should not be involved in the permit process. If

a home owner builds his/her house, they must terminate when the house is approved for occupancy where temporary storm water controls are in place on the site.

8.3. HOW TO SUBMIT YOUR NOT.

8.3.1. It is preferred that the DWQ "on-line" NOI system be used to submit an electronic NOT.

Access to the DWQ online storm water database found at the DWQ webpage at https://cdxnodengn.epa.gov/net-cgp/action/login. You must logon to the account created when the NOI was submitted and find the "Terminate" (or NOT) button for the permit tracking number when you wish to terminate a coverage. In the case where the permittee does not have access to the account for which the NOI was submitted the permittee must either contact DWQ and request account access or fill out and submit to DWQ a paper copy of the NOT form, which can be downloaded from the same DWQ website.

8.4. DEADLINE FOR SUBMITTING THE NOT. You must submit your NOT within 30 calendar days after any one of the conditions in Part 8.2 occurs.

8.5. PARTIAL NOT REQUIREMENTS. A partial NOT must be filed if a portion of the permitted site is sold to a new owner prior to completion of construction. You must notify the new owner of the requirement to obtain a storm water permit unless the new owner is the home owner. Prior to releasing a residential lot to a home owner the site must be temporarily stabilized as required in 8.2.4. You must notify DWQ of the change in ownership and provide the name, address, and telephone number of the new owner.

8.6. EFFECTIVE DATE OF TERMINATION OF COVERAGE. Your authorization to discharge under this permit terminates at midnight of the calendar day that a complete NOT is submitted to DWQ.

9. STANDARD PERMIT CONDITIONS.

9.1. DUTY TO COMPLY.

(1) The permittee must comply with all conditions of the UPDES permit. Any permit noncompliance is a violation of the Utah Water Quality Act, as amended and is grounds for enforcement action; permit termination, revocation and reissuance or modification; or denial of a permit renewal application.

(2) Penalties for Violations of Permit Conditions. The Utah Water Quality Act, in 19-5-115, provides that any person who violates the Act, or any permit, rule, or order adopted under it is subject to a civil penalty not to exceed $10,000 per day of such violation.

(3) Willful Non-Compliance or Negligence. Any person who willfully or with gross negligence violates the Act, or any permit, rule or order adopted under it is subject to a fine of not more than $25,000 per day of violation. Any person convicted under 19-5-115 a second time shall be punished by a fine not exceeding $50,000 per day.

(4) False Statements. The Act provides that any person who knowingly makes any false material statement, representation, or certification in any application, record, report, plan, or other document filed or required to be maintained under the Act, the rules, or this Permit, or who knowingly falsifies, tampers with, or renders inaccurate, any monitoring device or method required to be maintained under the Act shall upon conviction, be punished by a fine of not more than $10,000 or by imprisonment for 6 months, or by both. Utah Code Ann. § 19-5-115(4).

9.2. DUTY TO REAPPLY. If the permittee wishes to continue an activity regulated by this permit after the expiration date of the permit, the permittee shall apply for and obtain a new permit as required in R317-8-3.1

9.3. 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. (Upon reduction, loss, or failure of the treatment facility, the permittee, to the extent necessary to maintain compliance with the permit, shall control production of all discharges until the facility is restored or an alternative method of treatment is provided.)

9.4. DUTY TO MITIGATE. The permittee shall take all reasonable steps to minimize or prevent any discharge or sludge use or disposal in violation of the UPDES permit which has a reasonable likelihood of adversely affecting human health or the environment.

9.5. DUTY TO PROVIDE INFORMATION. The permittee shall furnish to the Director, within a reasonable time, any information which the Director may request to determine whether cause exists for modifying, revoking and reissuing, or terminating the 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 the permit.

9.6. OTHER INFOMRATION. When the permittee becomes aware that he or she failed to submit any relevant facts or submitted incorrect information in the Notice of Intent or in any other report to the Director, he or she shall promptly submit such facts or information.

9.7. 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".

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

9.9. 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.

9.10. RECORDS RETENTION.

(1) The Permittee shall retain copies of SWPPPs, Authorization to Discharge Letters, and all reports required by this Permit, and records of all data used to complete the Notice of Intent to be covered by this Permit, for a period of at least three years from the date that the site is finally stabilized. This period may be extended by request of the Director at any time.

(2) After final stabilization of the construction site is complete, the SWPPP is no longer required to be maintained on site, but may be maintained by the Permittee(s) at its primary headquarters. However, you must continue to allow DWQ access to the SWPPP as described in paragraph B.10(1) (above).

9.11. ADDRESSES. All written correspondence under this permit shall be directed to the Division of Water Quality at the following address:

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

9.12. STATE LAWS.

(1) 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 Utah Code Ann. § 19-5-117.

(2) No condition of this Permit shall release the Permittee from any responsibility or requirements under other environmental statutes or regulations.

9.13. 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 SWPPPs. 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 a Permittee only when necessary to achieve compliance with the conditions of the Permit.

9.14. INSPECTION AND ENTRY. The Permittee shall allow, upon presentation of credentials, the Director or an authorized representative:

(1) To enter upon the Permittee's premises where a regulated facility or activity is located or conducted, or where records must be kept under the conditions of this Permit;

(2) Have access to and copy at reasonable times, any records that must be kept under the conditions of this Permit;

(3) Inspect at reasonable times any facilities, equipment (including monitoring and control equipment), practices, or operations regulated or required under this Permit; and

(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.

9.15. REOPENER CLAUSE.

(1) Reopener Due to Water Quality Impacts. If there is evidence indicating that the storm water discharges authorized by this Permit cause, have the reasonable potential to cause or contribute to, a violation of a water quality standard, the discharger may be required to obtain an individual permit or an alternative general permit in accordance with Part 1.4.4 of this Permit or the Permit may be modified to include different limitations and/or requirements.

(2) Reopener Guidelines. Permit modification or revocation will be conducted according to UAC R317-8-5.6 and UAC R317-8-6.2.

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

9.16. SIGNATORY REQUIREMENTS.

(1) All Notices of Intent, SWPPPs, reports, certifications or information submitted to the Director, or that this Permit requires to be maintained by the Permittee, shall be signed as follows:

a. All notice of intent (NOIs), notices of termination (NOTs), and SWPPPs shall be signed as follows:

i. For a corporation: by a responsible corporate officer. For the purpose of this section, a responsible corporate officer means: a president, secretary, treasurer, or vice-president of the corporation in charge of a principal business function, or any other person who performs similar policy or decision-making functions for the corporation; or the manager of one or more manufacturing, production or operating facilities employing more than 250 persons or having gross annual sales or expenditures exceeding $25,000,000 (in second-quarter 1980 dollars) if authority to sign documents has been assigned or delegated to the manager in accordance with corporate procedures;

ii. For a partnership of sole proprietorship: by a general partner or the proprietor, respectively; or

iii. For a municipality, State, Federal, or other public agency: by either a principal executive officer or ranking elected official. For purposes of this section, a principal executive officer of a Federal agency includes (1) the chief executive officer of the agency, or (2) a senior executive officer having responsibility for the overall operations of a principal geographic unit of the agency (e.g. Regional Administrators of EPA).

b. All reports required by the Permit and other information requested by the Director or by an authorized representative of 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:

i. The authorization is made in writing by a person described above and kept with the SWPPP; and

ii. The authorization specifies either an individual or a position having responsibility for overall operation of the regulated site, facility or activity, such as the position of manager, operator, superintendent, or position of equivalent responsibility or an individual or position having overall responsibility for environmental matters for the company. (A duly authorized representative may thus be either a named individual or any individual occupying a named position).

c. Certification. Any person signing documents under this Part B.16 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

10. DEFINITIONS AND ACRONYMS

"Act" – is a reference to the Utah Water Quality Act, or Utah Code Annotated Title 19, Chapter 5.

"Agricultural Land" - cropland, grassland, rangeland, pasture, and other agricultural land, on which agricultural and forest-related products or livestock are produced and resource concerns may be addressed. Agricultural lands include cropped woodland, marshes, incidental areas included in the agricultural operation, and other types of agricultural land used for the production of livestock.

"Antidegradation Policy" or "Antidegradation Requirements" - the water quality standards regulation that requires maintenance of water quality:

Waters whose existing quality is better than the established standards for the designated uses will be maintained at high quality unless it is determined by the Board, after appropriate intergovernmental coordination and public participation in concert with the Utah continuing planning process, allowing lower water quality is necessary to accommodate important economic or social development in the area in which the waters are located. However, existing instream water uses shall be maintained and protected. No water quality degradation is allowable which would interfere with or become injurious to existing instream water uses.

In those cases where potential water quality impairment associated with a thermal discharge is involved, the antidegradation policy and implementing method shall be consistent with Section 316 of the Federal Clean Water Act.

Category 1 Waters: Waters which have been determined by the Board to be of exceptional recreational or ecological significance or have been determined to be a State or National resource requiring protection, shall be maintained at existing high quality through designation, by the Board after public hearing, as Category 1 Waters. New point source discharges of wastewater, treated or otherwise, are prohibited in such segments after the effective date of designation. Protection of such segments from pathogens in diffuse, underground sources is covered in R317-5 and R317-7 and the Regulations for Individual Wastewater Disposal Systems (R317-501 through R317-515). Other diffuse sources (nonpoint sources) of wastes shall be controlled to the extent feasible through implementation of best management practices or regulatory programs.

Discharges may be allowed where pollution will be temporary and limited after consideration of the factors in R317-2-3.5.b.4., and where best management practices will be employed to minimize pollution effects.

Waters of the state designated as Category 1 Waters are listed in UAC R317-2-12.1.

Category 2 Waters: Category 2 Waters are designated surface water segments which are treated as Category 1 Waters except that a point source discharge may be permitted provided that the discharge does not degrade existing water quality. Discharges may be allowed where pollution will be temporary and limited after consideration of the factors in UAC R317-2-3.5.b.4., and where best management practices will be employed to minimize

pollution effects. Waters of the state designated as Category 2 Waters are listed in UAC R317-2-12.2.

Category 3 Waters: For all other waters of the state, point source discharges are allowed and degradation may occur, pursuant to the conditions and review procedures outlined in in the paragraph below (Antidegradation Review).

Antidegradation Review (ADR): An antidegradation review will determine whether the proposed activity complies with the applicable antidegradation requirements for receiving waters that may be affected.

An antidegradation review (ADR) may consist of two parts or levels. A Level I review is conducted to insure that existing uses will be maintained and protected.

Both Level I and Level II reviews will be conducted on a parameter-by-parameter basis. A decision to move to a Level II review for one parameter does not require a Level II review for other parameters. Discussion of parameters of concern is those expected to be affected by the proposed activity.

Antidegradation reviews shall include opportunities for public participation, as described in UAC R317-2-3.5e.

"Arid Areas" – areas with an average annual rainfall of 0 to 10 inches.

"Authorization to Discharge Letter" – The receipt generated when a Notice of Intent (NOI) is successfully entered and payment is processed by DWQ. The receipt demonstrates that the permittee has coverage under the appropriate Storm Water Permit. Authorization to Discharge Letters contain the dates of the permittee's coverage under the Construction General Permit (CGP).

"Bank" (e.g., stream bank or river bank) – the rising ground bordering the channel of a water of the State of Utah.

"Best Management Practices (BMPs) – schedules of activities, prohibitions of practices, maintenance procedures, and other physical, structural and/or managerial practices to prevent or reduce pollution of waters of the State. BMPs include treatment requirements, operating procedures, and practices to control storm water associated with construction activity, spillage or leaks, sludge or waste disposal, or drainage from raw material storage.

"Bluff" – a steep headland, promontory, riverbank, or cliff.

"Borrow Areas" – the areas where materials are dug for use as fill, either onsite or off-site.

"Category 1, 2, and/or 3 Waters" – see "Antidegradation Policy" or "Antidegradation Requirements".

"Cationic Treatment Chemical" – polymers, flocculants, or other chemicals that contain an overall positive charge. Among other things, they are used to reduce turbidity in storm water discharges by chemically bonding to the overall negative charge of suspended silts and other soil materials and causing them to bind together and settle out. Common examples of cationic treatment chemicals are chitosan and cationic PAM.

"Commencement of Earth-Disturbing Activities" - the initial disturbance of soils (or 'breaking ground') associated with clearing, grading, or excavating activities or other construction-related activities (e.g., stockpiling of fill material).

"Commencement of Pollutant-Generating Activities" – at construction sites (for the purposes of this permit) occurs in any of the following circumstances:

• Clearing, grubbing, grading, and excavation has begun;

• Raw materials related to your construction activity, such as building materials or products, landscape materials, fertilizers, pesticides, herbicides, detergents, fuels, oils, or other chemicals have been placed at your site;

• Use of authorized non-storm water for washout activities, or dewatering activities, have begun; or

• Any other activity has begun that causes the generation of or the potential generation of pollutants.

"Common Plan of Development or Sale" –is a plan to subdivide a parcel of land into separate parts for separate sale. This can be for a residential, commercial, or industrial development. The plan originates as a single parcel that is separated into parts. This usually goes through an approval process by a local governmental unit, but in some cases, it may not require that process. The original plan is considered the "common plan of development or sale" whether phased or completed in steps.

Additional information related to Common Plan of Development for Permit Purposes:

For UPDES storm water permit purposes, a common plan must have been initiated after October, 1992. A common plan of development or sale remains so until each lot or section of the development has fulfilled its planned purposes (e.g. in a residential development as homes are completed, stabilized, and sold or occupied). As lots or separated sections of the development are completed, the lot or section is stabilized, and the plan purposes are fulfilled for that area, lot, or section, it is no longer part of the common plan of development or sale (e.g. if a home is sold in a development and the owner decides to add a garage somewhere on the lot, that garage project is not part of the common plan of development or sale. In this process a common plan of development or sale may become reduced in size and/or separated by completed areas which are no longer part of the common plan of development or sale, but all unfinished lots remain part of the same common plan of development or sale until they are completed, stabilized, and fulfilled according to the purposes of the plan.

"Construction Activities" – earth-disturbing activities, such as the clearing, grading, and excavation of land.

"Construction and Development Point Source Category" (C&D Rule) – as published in 40 CFR § 450 is the regulation requiring effluent limitations guidelines (ELG's) and new source performance standards (NSPS) for controlling the discharge of pollutants from construction sites.

"Construction Site" – the land or water area where construction activities will occur and where storm water controls will be installed and maintained. The construction site includes construction support activities, which may be located at a different part of the property from where the primary construction activity will take place, or on a different piece of property altogether. The construction site is often a smaller subset of the lot or parcel within which the project is taking place.

"Construction Support Activities" – a construction-related activity that specifically supports the construction activity and involves earth disturbance or pollutant-generating activities of its own. This can include activities associated with concrete or asphalt batch plants, equipment staging yards, materials storage areas, excavated material disposal areas, and borrow areas.

"Construction Waste" – discarded material (such as packaging materials, scrap construction materials, masonry products, timber, steel, pipe, and electrical cuttings, plastics, and styrofoam).

"Conveyance Channel" – a temporary or permanent waterway designed and installed to safely convey storm water flow within and out of a construction site.

"Corrective Action" – for the purposes of the permit, any action taken to (1) repair, modify, or replace any storm water control used at the site; (2) clean up and dispose of spills, releases, or other deposits found on the site; and (3) remedy a permit violation.

"CWA" – the Clean Water Act or the Federal Water Pollution Control Act, 33 U.S.C. section 1251 et seq.

"Dewatering" – the act of draining rainwater and/or groundwater from building foundations, vaults, and trenches.

"Director" – the director of the Division of Water Quality, otherwise known as the Executive Secretary of the Utah Water Quality Board.

"Discharge" –discharge of storm water or "discharge of a pollutant."

"Discharge of a Pollutant" – the addition of any "pollutant" or combination of pollutants to "waters of the State" from any "point source," or any addition of any pollutant or combination of pollutants to the waters of the State. This includes additions of pollutants into waters of the State from: surface runoff which is collected or channeled by man; discharges through pipes, sewers, or other conveyances, leading into privately owned treatment works. See 40 CFR 122.2.

"Discharge Point" – for the purposes of this permit, the location where collected and concentrated storm water flows are discharged from the construction site.

"Discharge-Related Activity" – activities that cause, contribute to, or result in storm water and allowable non-storm water point source discharges, and measures such as the siting, construction, and operation of storm water controls to control, reduce, or prevent pollutants from being discharged.

"Discharge to an Impaired Water" – for the purposes of this permit, a discharge to an impaired water occurs if the first water of the State to which you discharge is identified by DWQ or EPA pursuant to Section 303(d) of the Clean Water Act as not meeting an applicable water

quality standard, or is included in an EPA-approved or DWQ established total maximum daily load (TMDL). For discharges that enter a storm sewer system prior to discharge, the water of the State to which you discharge is the first water of the State that receives the storm water discharge from the storm sewer system.

"Domestic Waste" – for the purposes of this permit, typical household trash, garbage or rubbish items generated by construction activities.

"Drought-Stricken Area" – for the purposes of this permit, an area in which the National Oceanic and Atmospheric Administration's U.S. Seasonal Drought Outlook indicates for the period during which the construction will occur that any of the following conditions are likely: (1) "Drought to persist or intensify", (2) "Drought ongoing, some improvement", (3) "Drought likely to improve, impacts ease", or (4) "Drought development likely". See http://www.cpc.ncep.noaa.gov/products/expert_assessment/sdo_summary.php

"Earth-Disturbing Activity" or "Land-Disturbing Activity" – actions taken to alter the existing vegetation and/or underlying soil of a site, such as clearing, grading, site preparation (e.g., excavating, cutting, and filling), soil compaction, and movement and stockpiling of top soils.

"Effective Operating Condition" – for the purposes of this permit, a storm water control is kept in effective operating condition if it has been implemented and maintained in such a manner that it is working as designed to minimize pollutant discharges.

"Effluent Limitations" – for the purposes of this permit, any of the Part 2 or Part 3 requirements.

"Electronic Notice of Intent" – DWQ's online system for submitting electronic Construction General Permit forms. Can be accessed at https://secure.utah.gov/stormwater.

"Emergency-Related Project" – a project initiated in response to a public emergency (e.g., natural disaster, disruption in essential public services), for which the related work requires immediate authorization to avoid imminent endangerment to human health or the environment, or to reestablish essential public services.

"Excursion" – a violation of a standard or limit.

"Existing Project" – a construction project that commenced construction activities prior to the issuance date of this permit.

"Existing Permit Coverage" – means that the permittee had permit coverage under a previous permit prior to the issuance of this permit.

"Exit Points" – any points of egress from the construction site to be used by vehicles and equipment during construction activities.

"Exposed Soils" – for the purposes of this permit, soils that as a result of earth-disturbing activities are disturbed and exposed to the elements of weather.

"Final Stabilization" – All disturbed areas must be covered by permanent structures such as pavement, concrete slab, building, etc., or for areas not covered by permanent structures but that are receiving 20 inches or more of average annual precipitation, vegetation has been established with a uniform (e.g., evenly distributed, without large bare areas) perennial

vegetative cover equivalent to 70 percent of the natural background vegetative cover. In the case of areas that are not covered by permanent structures, but that are receiving less than 20 inches of average annual precipitation (arid areas, 0-10 inches; semi-arid areas, 10-20 inches), final stabilization is equivalent to the requirements of 2.2.2.b of this permit, including the provisions for permanent stabilization.

"Groundwater" – water in the voids and interstitial spaces around soil particles beneath the surface of the ground, even if it is only temporary.

"Hazardous Materials" or "Hazardous Substances" or "Hazardous or Toxic Waste" – for the purposes of this permit, any liquid, solid, or contained gas that contain properties that are dangerous or potentially harmful to human health or the environment. See also 40 CFR §261.2.

"Impaired Water" or "Water Quality Impaired Water" or "Water Quality Limited Segment" – for the purposes of this permit, waters identified as impaired on the CWA Section 303(d) list, or waters with an EPA-approved or established TMDL. Your construction site will be considered to discharge to an impaired water if the first water of the state to which you discharge is identified by DWQ pursuant to Section 303(d) of the CWA as not meeting an applicable water quality standard, or is included in an EPA-approved or DWQ established total maximum daily load (TMDL). For discharges that enter a storm sewer system prior to discharge, the first water of the state to which you discharge is the water body that receives the storm water discharge from the storm sewer system.

"Impervious Surface" – for the purpose of this permit, any land surface with a low or no capacity for soil infiltration including, but not limited to, pavement, sidewalks, parking areas and driveways, packed gravel or soil, or rooftops.

"Indian Country" or "Indian Country Lands" – defined at 40 CFR §122.2 as:

1. All land within the limits of any Indian reservation under the jurisdiction of the United States Government, notwithstanding the issuance of any patent, and, including rights-of way running through the reservation;

2. All dependent Indian communities within the borders of the United States whether within the originally or subsequently acquired territory thereof; and

3. All Indian allotments, the Indian titles to which have not been extinguished, including rights-of-ways running through the same.

"Infeasible" – for the purpose of this permit, infeasible means not technologically possible or not economically practicable and achievable in light of best industry practices. DWQ notes that it does not intend for any permit requirement to conflict with state water rights law.

"Install" or "Installation" – when used in connection with storm water controls, to connect or set in position storm water controls to make them operational.

"Intermittent (or Seasonal) Stream" – one which flows at certain times of the year when ground water provides water for stream flow, or during and immediately after some precipitation events or snowmelt.

"Landward" – positioned or located away from a water body, and towards the land.

"Level Spreader" – a temporary storm water control used to spread storm water flow uniformly over the ground surface as sheet flow to prevent concentrated, erosive flows from occurring.

"Linear Construction Project" – includes the construction of roads, bridges, conduits, substructures, pipelines, sewer lines, towers, poles, cables, wires, connectors, switching, regulating and transforming equipment and associated ancillary facilities in a long, narrow area.

"Minimize" – to reduce and/or eliminate to the extent achievable using storm water controls that are technologically available and economically practicable and achievable in light of best industry practices.

"Municipal Separate Storm Sewer System" or "MS4" – defined at 40 CFR §122.26(b)(8) as a conveyance or system of conveyances (including roads with drainage systems, municipal streets, catch basins, curbs, gutters, ditches, manmade channels, or storm drains):

1. Owned and operated by a state, city, town, county, district, association, or other public body (created by or pursuant to State law) having jurisdiction over disposal of sewage, industrial 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;

2. Designed or used for collecting or conveying storm water;

3. Which is not a combined sewer; and

4. Which is not part of a Publicly Owned Treatment Works (POTW) as defined at 40 CFR §122.2.

"Native Topsoil" – the uppermost layer of naturally occurring soil for a particular area, and is often rich in organic matter, biological activity, and nutrients.

"Native Vegetation" – the species of plants that have developed for a particular region or ecosystem and are considered endemic to that area.

"Natural Buffer" – for the purposes of this permit, an area of undisturbed natural cover surrounding surface waters within which construction activities are restricted. Natural cover includes the vegetation, exposed rock, or barren ground that exists prior to commencement of earth-disturbing activities.

"Natural Vegetation" – vegetation that occurs spontaneously without regular management, maintenance or species introductions, removals, and that generally has a strong component of native species.

"New Operator of a New or Existing Project" – an operator that through transfer and/or operation replaces the operator of an already permitted construction project.

"New Project" – a construction project that commenced construction activities on or the issuance date of this permit.

"New Source" – for the purpose of this permit, a construction project that commenced construction activities on or after the issuance date of this permit.

"New Source Performance Standards (NSPS)" – for the purposes of this permit, NSPS are technology-based standards that apply to construction sites that are new sources under 40 CFR 450.24.

"Non-Storm Water Discharges" – discharges that do not originate from storm events. They can include, but are not limited to, discharges of process water, air conditioner condensate, noncontact cooling water, vehicle wash water, sanitary wastes, concrete washout water, paint wash water, irrigation water, or pipe testing water.

"Non-Turbid" – is a term used in this permit to describe water that appears visually clear and there appears to be no evidence of silt or sediment present in the water.

"Notice of Intent" (NOI) – the form (electronic or paper) required for authorization of coverage under the Construction General Permit.

"Notice of Termination" (NOT) – the form (electronic or paper) required for terminating coverage under the Construction General Permit.

"Operational" – for the purpose of this permit, storm water controls are made "operational" when they have been installed and implemented, are functioning as designed, and are properly maintained.

"Operator" – for the purposes of this permit and in the context of storm water discharges associated with construction activity, any party associated with a construction project that meets either of the following two criteria:

1. The party which has operational control over construction plans and specifications, including the ability to make modifications to those plans and specifications (e.g. in most cases this is the owner of the site, sometimes it is a lessor); or

2. The party which has day-to-day operational control of those activities at a project that are necessary to ensure compliance with the permit conditions (e.g., they are authorized to direct workers at a site to carry out activities required by the permit; in most cases this is the general contractor of the project).

"Ordinary High Water Mark" – the line on the shore established by fluctuations of water and indicated by physical characteristics such as a clear, natural line impressed on the bank, shelving, changes in the character of soil, destruction of terrestrial vegetation, and/or the presence of litter and debris.

"Outfall" – see "Discharge Point."

"Owner" – for the purpose of this permit an owner has legal ownership of property on which construction activity is taking place. Except in the case of leased property, an owner is the party that has ultimate control over the destiny of a project. This is the lessor in the case of leased property.

"Permittee" – is the owner and/or operator named in the NOI for the project.

"Point(s) of Discharge" – see "Discharge Point."

"Point Source" – any discernible, confined, and discrete conveyance, including but not limited to, any pipe, ditch, channel, tunnel, conduit, well, discrete fissure, container, rolling stock

concentrated animal feeding operation, landfill leachate collection system, or vessel or other floating craft from which pollutants are or may be discharged. This term does not include return flows from irrigated agriculture or agricultural storm water runoff.

"Pollutant" – defined at 40 CFR §122.2. A partial listing from this definition includes: dredged spoil, solid waste, sewage, garbage, sewage sludge, chemical wastes, biological materials, heat, wrecked or discarded equipment, rock, sand, cellar dirt, and industrial or municipal waste.

"Pollutant-Generating Activities" – at construction sites (for the purposes of this permit), those activities that lead to or could lead to the generation of pollutants, either as a result of earth disturbance or a related support activity. Some of the types of pollutants that are typically found at construction sites are:

- sediment;
- nutrients;
- heavy metals;
- pesticides and herbicides;
- oil and grease;
- bacteria and viruses;
- trash, debris, and solids;
- treatment polymers; and
- any other toxic chemicals.

"Pollution Prevention Measures" – storm water controls designed to reduce or eliminate the addition of pollutants to construction site discharges through analysis of pollutant sources, implementation of proper handling/disposal practices, employee education, and other actions.

"Polymers" – for the purposes of this permit, coagulants and flocculants used to control erosion on soil or to enhance the sediment removal capabilities of sediment traps or basins. Common construction site polymers include polyacrylamide (PAM), chitosan, alum, polyaluminum chloride, and gypsum.

"Prohibited Discharges" – discharges that are not allowed under this permit, including:

1. Wastewater from washout of concrete;

2. Wastewater from washout and cleanout of stucco, paint, form release oils, curing compounds and other construction materials;

3. Fuels, oils, or other pollutants used in vehicle and equipment operation and maintenance;

4. Soaps or solvents used in vehicle and equipment washing;

5. Toxic or hazardous substances from a spill or other release; and

6. Waste, garbage, floatable debris, construction debris, and sanitary waste from pollutant generating activities.

"Provisionally Covered Under this Permit" – for the purposes of this permit, DWQ provides temporary coverage under this permit for emergency-related projects prior to receipt of a complete and accurate NOI. Discharges from earth-disturbing activities associated with the emergency-related projects are subject to the terms and conditions of the permit during the period of temporary coverage.

"Receiving Water" – a "Water of the State into which the regulated storm water discharges. If the discharge is to a storm sewer system, the receiving water is the waterbody to which the storm system discharges.

"Regulatory Authority" – as it pertains to this permit means EPA, DWQ, or a local MS4 that oversights construction activity.

"Run-On" – sources of storm water that drain from land located upslope or upstream from the regulated site in question.

"Semi-Arid Areas" – areas with an average annual rainfall of over 10 to 20 inches.

"Site" – for construction activities, the land or water area where earth-disturbing activities take place, including construction support activities.

"Small Construction Activity" – defined at Utah Administrative Code R317-8-3.9(6)(e)1. and incorporated here by reference. A small construction activity includes clearing, grading, and excavating resulting in a land disturbance that will disturb equal to or greater than one (1) acre and less than five (5) acres of land or will disturb less than one (1) acre of total land area but is part of a larger common plan of development or sale that will ultimately disturb equal to or greater than one (1) acre and less than five (5) acres. Small construction activity does not include routine maintenance that is performed to maintain the original line and grade, hydraulic capacity, or original purpose of the site.

"Small Residential Lot" – for the purpose of this permit, a lot being developed for residential purposes that will disturb less than 1 acre of land, but is part of a larger residential project that will ultimately disturb greater than or equal to 1 acre.

"Snowmelt" – the conversion of snow into overland storm water and groundwater flow as a result of warmer temperatures.

"Spill" – for the purpose of this permit, the release of a hazardous or toxic substance from its container or containment.

"Stabilization" – the use of vegetative and/or non-vegetative cover to prevent erosion and sediment loss in areas of disturbed soil exposed from the construction process.

"Steep Slopes" –for this permit steep slopes are defined as those that are 70 percent or greater in grade.

"Storm Event" – a precipitation event that results in a measurable amount of precipitation.

"Storm Sewer" – a system of pipes (separate from sanitary sewers) that carries storm water runoff from buildings and land surfaces.

"Storm Sewer System" – a conveyance or system of conveyances (including roads with drainage systems, municipal streets, catch basins, curbs, gutters, ditches, manmade channels, or storm drains) designed or used for collecting or conveying storm water.

"Storm Water" – storm water runoff from precipitation, snow melt runoff, and surface runoff and drainage.

"Storm Water Control Measure" - refers to any storm water control, BMP, or other method (including narrative effluent limitations) used to prevent or reduce the discharge of pollutants to waters of the state.

"Storm Water Controls" – see "Storm Water Control measure."

"Storm Water Discharge Associated with Construction Activity" – as used in this permit, a discharge of pollutants in storm water to waters of the state from areas where land disturbing activities (e.g., clearing, grading, or excavation) occur, or where construction materials or equipment storage or maintenance (e.g., fill piles, borrow area, concrete truck chute wash down, fueling), or other industrial storm water directly related to the construction process (e.g., concrete or asphalt batch plants), are located.

"Storm Water Inlet" or "Storm Drain Inlet" – an entrance or opening to a storm water conveyance system, generally placed below grade so as to receive storm water drainage from the surrounding area.

"Storm Water Team" – the group of individuals responsible for oversight of the development and modifications of the SWPPP, and oversight of compliance with the permit requirements. The individuals on the "Storm water Team" must be identified in the SWPPP.

"Subcontractor" – for the purposes of this permit, an individual or company that takes a portion of a contract from the general contractor or from another subcontractor.

"Surface Water" – for this permit a surface water is defined all open water bodies, streams, lakes, ponds, marshes, wetlands, watercourses, waterways, springs, drainage systems, and all other bodies or accumulations of water on the surface only. Surface water is visible water, standing or flowing, above the surface of the ground.

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

"Temporary Stabilization" – a condition where exposed soils or disturbed areas are provided a temporary vegetative and/or non-vegetative protective cover to prevent erosion and sediment loss. Temporary stabilization may include temporary seeding, geotextiles, mulches, and other techniques to reduce or eliminate erosion until either final stabilization can be achieved or until further construction activities take place to re-disturb this area.

"Thawing Conditions" – for the purposes of this permit, thawing conditions are expected based on the historical likelihood of two or more days with daytime temperatures greater than 32˚F. This date can be determined by looking at historical weather data. The estimation of thawing

conditions is for planning purposes only. During construction the permittee will be required to conduct site inspections based upon actual conditions (i.e., if thawing conditions occur sooner than expected, the permittee will be required to conduct inspections at the regular frequency).

"Total Maximum Daily Load" or "TMDL" – the sum of the individual wasteload allocations (WLAs) for point sources and load allocations (LAs) for nonpoint sources and natural background. If a receiving water has only one point source discharger, the TMDL is the sum of that point source WLA plus the LAs for any nonpoint sources of pollution and natural background sources, tributaries, or adjacent segments. TMDLs can be expressed in terms of either mass per time, toxicity, or other appropriate measure.

"Toxic Waste" – see "Hazardous Materials."

"Turbidity" – when the term is used in a narrative it means a condition of water quality characterized by the presence of cloudiness usually caused by suspended solids and/or organic material. It refers to the visual clarity in water and is measured in a test passing light through a sample of water and quantifying the amount of light passing. The measurement is not directly proportional to the quantity of sediment in the water sample it is directly related to the quantity of light that passes through the sample. Particulate size and other factors can affect the amount of light that passes through the sample. This measurement is called nephelometric turbidity units or ntu.

"Uncontaminated Discharge" – a discharge that does not cause or contribute to an exceedance of applicable water quality standards.

"Upland" - the dry land area above and 'landward' of the ordinary high water mark.

"Utah Pollutant Discharge Elimination System (UPDES)" – The State of Utah's program for issuing, modifying, revoking and resissuing, terminating, monitoring, and enforcing permits, and imposing and enforcing pretreatment requirements, under sections 307, 102, 318, and 405 of the Clean water Act (CWA) for the "discharge" of "pollutants" to "Waters of the State". This program is specifically designed to be compatible with the federal National Pollutant Discharge Elimination System (NPDES) program established and administered by the EPA.

"Water-Dependent Structures" – structures or facilities that are required to be located directly adjacent to a waterbody or wetland, such as a marina, pier, boat ramp, etc.

"Water Quality Standards" –are provisions of State law which consist of a designated use or uses for the waters of the United States, water quality criteria for such waters based upon such uses, and an antidegradation policy to protect high quality waters. Water quality standards protect the public health or welfare, enhance the quality of water and serve the purposes of the Utah Water Quality Act.

"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 that 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, shall not be considered to be "waters of the state" under this definition (Section 19-5-102).

"Wetland" – those areas that are inundated or saturated by surface or groundwater at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions. Wetlands generally include swamps, marshes, bogs, and similar areas. On-site evaluations are typically required to confirm the presence and boundaries of wetlands.

"Work day" – for the purposes of this permit, a work day is a calendar day on which construction activities will take place.

Acronyms
C&D – Construction & Development
CGP – Construction General Permit
CFR – Code of Federal Regulations
CPoD – Common Plan of Development or Sale
CWA – Clean Water Act
DEQ – Department of Environmental Quality
DDW – Division of Drinking Water
DWQ – Division of Water Quality
EPA – United States Environmental Protection Agency
MS4 – Municipal Separate Storm Sewer System
NMFS – United States National Marine Fisheries Service
NOI – Notice of Intent
NOT – Notice of Termination
NPDES – National Pollutant Discharge Elimination System
NRC – National Response Center
NRCS – National Resources Conservation Service
POTW – Publicly Owned Treatment Works
SPCC – Spill Prevention Control and Countermeasure
SW – Storm Water
SWMP – Storm Water Management Plan
SWPPP – Storm Water Pollution Prevention Plan
TMDL – Total Maximum Daily Load
UAC – Utah Administrative Code
UCA – Utah Code Annotated
UPDES – Utah Pollution Discharge Elimination System
UWQA – Utah Water Quality Act
WQS – Water Quality Standard

Appendix A

Buffer Requirements

The purpose of this appendix is to assist you in complying with the requirements in Part 2.2.1 of the permit regarding the establishment of natural buffers and/or equivalent sediment controls. This appendix is organized as follows:

A.1 SITES THAT ARE REQUIRED TO PROVIDE AND MAINTAIN NATURAL BUFFERS AND/OR EQUIVALENT EROSION AND SEDIMENT CONTROLS

The requirement in Part 2.2.1 to provide and maintain natural buffers and/or equivalent erosion and sediment controls applies for any discharges to waters of the state located within 50 feet of your site's earth disturbances. If the water of the state is not located within 50 feet of earth-disturbing activities, Part 2.2.1 does not apply. See Figure A-1.

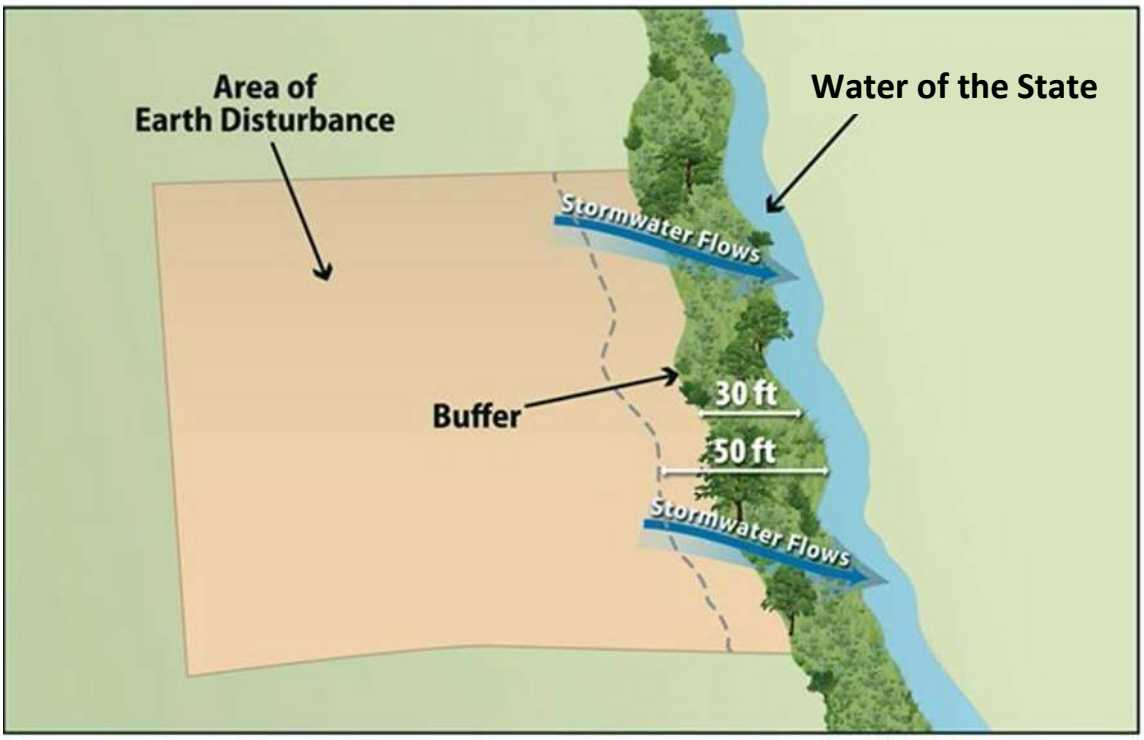

Figure A-1 Example of earth-disturbing activities within 50 feet of a water of the state.

A.2 COMPLIANCE ALTERNATIVES AND EXCEPTIONS

A.2.1. Compliance Alternatives

If Part 2.2.1 applies to your site, you have three compliance alternatives from which you can choose, unless you qualify for any of the exceptions (see below and Part 2.2.1.a):

1. Provide and maintain a 50-foot undisturbed natural buffer; or
2. Provide and maintain an undisturbed natural buffer that is less than 50 feet and is supplemented by erosion and sediment controls that achieve the sediment load reduction equivalent to a 50-foot undisturbed natural buffer; or
3. If infeasible to provide and maintain an undisturbed natural buffer of any size, implement erosion and sediment controls to achieve the sediment load reduction equivalent to a 50-foot undisturbed natural buffer.

The compliance alternative selected must be maintained throughout the duration of permit coverage.

See Part A.2.2 below for exceptions to the compliance alternatives.

See Part A.2.3 for requirements applicable to providing and maintaining natural buffers under compliance alternatives 1 and 2 above.

See Part A.2.4 for requirements applicable to providing erosion and sediment controls that achieve the sediment load reduction equivalent to a 50-foot undisturbed natural buffer under compliance alternatives 2 and 3 above.

A.2.2. Exceptions to the Compliance Alternatives

The following exceptions apply to the requirement to implement one of the Part 2.2.1.a compliance alternatives (see also Part 2.2.1.b):

- The following disturbances within 50 feet of a water of the state are exempt from the requirements Part 2.2.1 and this Appendix:
  - Construction approved under a CWA Section 404 permit; or
  - Construction of a water-dependent structure or water access areas (e.g., pier, boat ramp, trail).
- If there is no discharge of storm water to waters of the state through the area between the disturbed portions of the site and any waters of the state located within 50 feet of your site, you are not required to comply with the requirements in Part 2.2.1 and this Appendix. This includes situations where you have implemented controls measures, such as a berm or other barrier that will prevent such discharges.
- Where no natural buffer exists due to preexisting development disturbances (e.g., structures, impervious surfaces) that occurred prior to the initiation of planning for the current development of the site, you are not required to comply with the requirements in Part 2.2.1 and this Appendix.

  Where some natural buffer exists but portions of the area within 50 feet of the water of the state are occupied by preexisting development disturbances, you are required to comply with the requirements in Part 2.2.1 and this Appendix. For the purposes of calculating the sediment load reduction for either compliance alternative 2 or 3, you are not expected to compensate for the reduction in buffer function that would have resulted from the area covered by these preexisting disturbances. Clarity about how to implement the compliance alternatives for these situations is provided in A.2.3 and A.2.4 below.

  If during your project, you will disturb any portion of these preexisting disturbances, the area removed will be deducted from the area treated as a "natural buffer."
- For "linear construction sites" (see Definitions), you are not required to comply with this requirement if site constraints (e.g., limited right-of-way) make it infeasible to implement one of the Part 2.2.1.a compliance alternatives, provided that, to the extent feasible, you limit disturbances within 50 feet of any waters of the state and/or you provide supplemental erosion and sediment controls to treat storm water discharges from earth

disturbances within 50 feet of the water of the state. You must also document in your SWPPP your rationale for why it is infeasible for you to implement one of the Part 2.2.1.a compliance alternatives, and describe any buffer width retained and supplemental erosion and sediment controls installed.

- For "small residential lot" construction (i.e., a lot being developed for residential purposes that will disturb less than 1 acre of land, but is part of a larger residential project that will ultimately disturb greater than or equal to 1 acre), you have the option of complying with one of the "small residential lot" compliance alternatives in Part A.3 of this appendix.

  Note that you must document in your SWPPP if any disturbances related to any of the above exceptions occurs within the buffer area on your site.

A.2.3. Requirements for Providing and Maintaining Natural Buffers

This part applies to you if you choose compliance alternative 1 (50-foot buffer), compliance alternative 2 (a buffer of < 50 feet supplemented by additional erosion and sediment controls that achieve the equivalent sediment load reduction as the 50-foot buffer), or if you are providing a buffer in compliance with one of the "small residential lot" compliance alternatives in Part A.3.

Buffer Width Measurement

Where you are retaining a buffer of any size, the buffer should be measured perpendicularly from any of the following points, whichever is further landward from the water:

4. The ordinary high water mark of the water body, defined as the line on the shore established by fluctuations of water and indicated by physical characteristics such as a clear, natural line impressed on the bank, shelving, changes in the character of soil, destruction of terrestrial vegetation, and/or the presence of litter and debris; or
5. The edge of the stream or river bank, bluff, or cliff, whichever is applicable.

Refer to Figure A-2 and Figure A-3. You may find that specifically measuring these points is challenging if the flow path of the water of the state changes frequently, thereby causing the measurement line for the buffer to fluctuate continuously along the path of the waterbody. Where this is the case, DWQ suggests that rather than measuring each change or deviation along the water's edge, it may be easier to select regular intervals from which to conduct your measurement. For instance, you may elect to conduct your buffer measurement every 5 to 10 feet along the length of the water.

Additionally, note that if earth-disturbing activities will take place on both sides of a water of the state that flows through your site, to the extent that you are establishing a buffer around this water, it must be established on both sides. For example, if you choose compliance alternative 1, and your project calls for disturbances on both sides of a small stream, you would need to retain the full 50 feet of buffer on both sides of the water. However, if your construction activities will only occur on one side of the stream, you would only need to retain the 50-foot buffer on the side of the stream where the earth- disturbance will occur.

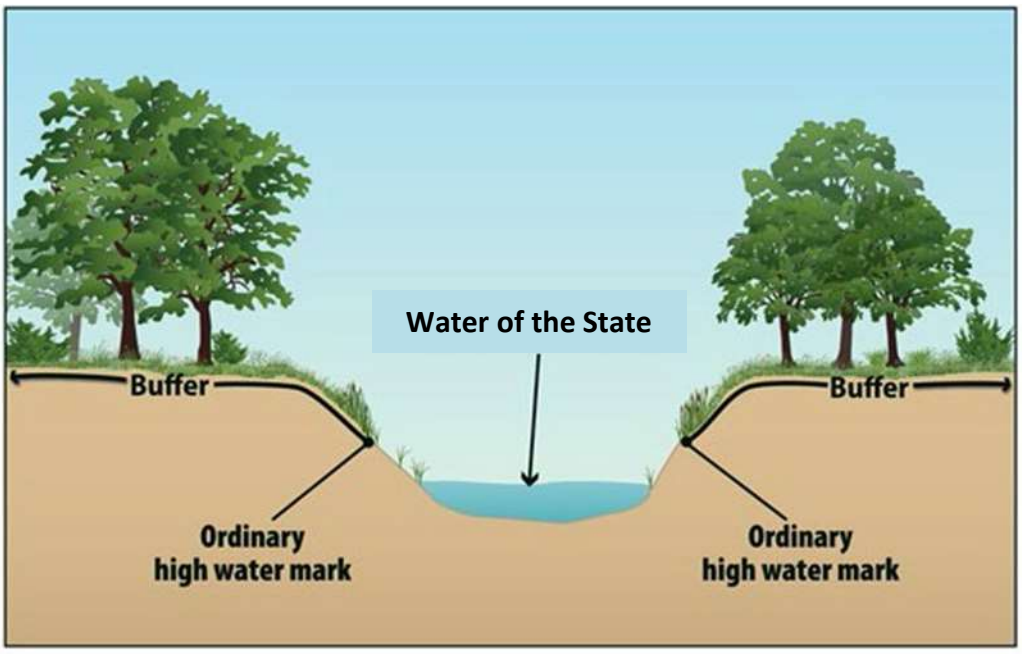

Figure A-2 Buffer measurement from the ordinary high water mark of the water body, as indicated by a clear natural line impressed on the bank, shelving, changes in the character of the soil, destruction of terrestrial vegetation, and/or the presence of litter/debris.

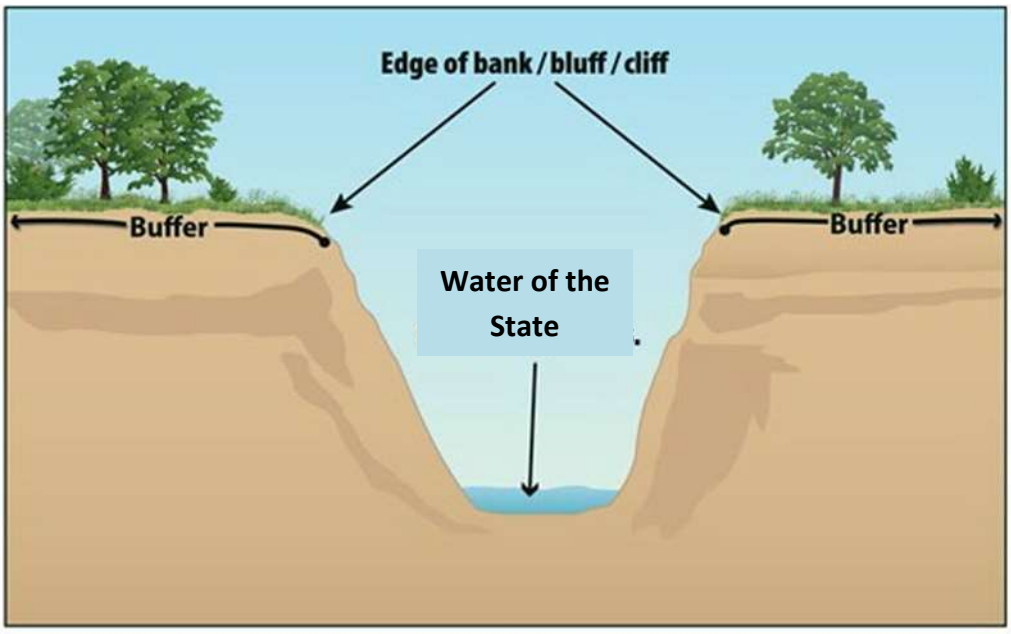

Figure A-3 Buffer measurement from the edge of the bank, bluff, or cliff, whichever is applicable.

Limits to Disturbance Within the Buffer

You are considered to be in compliance with the requirement to provide and maintain a natural buffer if you retain and protect from construction activities the natural buffer that existed prior to the commencement of construction. If the buffer area contains no vegetation prior to the

commencement of construction (e.g., sand or rocky surface), you are not required to plant vegetation. As noted above, any preexisting structures or impervious surfaces may occur in the natural buffer provided you retain and protect from disturbance the buffer areas outside of the preexisting disturbance.

To ensure that the water quality protection benefits of the buffer are retained during construction, you are prohibited from conducting any earth-disturbing activities within the buffer during permit coverage. In furtherance of this requirement, **prior to commencing earth-disturbing activities on your site, you must delineate, and clearly mark off, with flags, tape, or a similar marking device, the buffer area on your site.** The purpose of this requirement is to make the buffer area clearly visible to the people working on your site so that unintended disturbances are avoided.

While you are not required to enhance the quality of the vegetation that already exists within the buffer, you are encouraged to do so where such improvements will enhance the water quality protection benefits of the buffer. (Note that any disturbances within the buffer related to buffer enhancement are permitted and do not constitute construction disturbances.) For instance, you may want to target plantings where limited vegetation exists, or replace existing vegetation where invasive or noxious plant species (see http://plants.usda.gov/java/noxiousDriver) have taken over. In the case of invasive or noxious species, you may want to remove and replace them with a diversity of native trees, shrubs, and herbaceous plants that are well-adapted to the climatic, soil, and hydrologic conditions on the site. You are also encouraged to limit the removal of naturally deposited leaf litter, woody debris, and other biomass, as this material contributes to the ability of the buffer to retain water and filter pollutants.

If a portion of the buffer area adjacent to the water of the state is owned by another party and is not under your control, you are only required to retain and protect from construction activities the portion of the buffer area that is under your control. For example, if you comply with compliance alternative 1 (provide and maintain a 50-foot buffer), but 10 feet of land immediately adjacent to the water of the U.S. is owned by a different party than the land on which your construction activities are taking place and you do not have control over that land, you must only retain and protect from construction activities the 40-foot buffer area that occurs adjacent to the property on which your construction activities are taking place. DWQ would consider you to be in compliance with this requirement regardless of the activities that are taking place in the 10-foot area that is owned by a different party than the land on which your construction activities are taking place that you have no control over.

Discharges to the Buffer

You must ensure that all discharges from the area of earth disturbance to the natural buffer are first treated by the site's erosion and sediment controls (for example, you must comply with the Part 2.2.3 requirement to install sediment controls along any perimeter areas of the site that will receive pollutant discharges), **and if necessary to prevent erosion caused by storm water flows within the buffer, you must use velocity dissipation devices.** The purpose of this requirement is to decrease the rate of storm water flow and encourage infiltration so that the pollutant filtering functions of the buffer will be achieved. To comply with this requirement,

construction operators typically will use devices that physically dissipate storm water flows so that the discharge entering the buffer is spread out and slowed down.

SWPPP Documentation

You are required to document in your SWPPP the natural buffer width that is retained. For example, if you are complying with alternative 1, you must specify in your SWPPP that you are providing a 50-foot buffer. Or, if you will be complying with alternative 2, you must document the reduced width of the buffer you will be retaining (and you must also describe the erosion and sediment controls you will use to achieve an equivalent sediment reduction, as required in Part A.2.4 below). Note that you must also show any buffers on your site map in your SWPPP consistent with Part 7.3.3.h. Additionally, if any disturbances related to the exceptions in Part A.2.2 occur within the buffer area, you must document this in the SWPPP.

A.2.4 Guidance for Providing the Equivalent Sediment Reduction as a 50-foot Buffer

This part applies to you if you choose compliance alternative 2 (provide and maintain a buffer that is less than 50 feet that is supplemented by erosion and sediment controls that achieve the sediment load reduction equivalent to a 50-foot buffer) or compliance alternative 3 (implement erosion and sediment controls to achieve the sediment load reduction equivalent to a 50-foot buffer).

Determine Whether it is Feasible to Provide a Reduced Buffer

EPA recognizes that there will be a number of situations in which it will be infeasible to provide and maintain a buffer of any width. While some of these situations may exempt you from the buffer requirement entirely (see A.2.2), if you do not qualify for one of these exemptions, there still may be conditions or circumstances at your site that make it infeasible to provide a natural buffer. For example, there may be sites where a significant portion of the property on which the earth-disturbing activities will occur is located within the buffer area, thereby precluding the retention of natural buffer areas.

Therefore, you should choose compliance alternative 2 if it is feasible for you to retain some natural buffer on your site. (Note: For any buffer width retained, you are required to comply with the requirements in Part A.2.3, above, concerning the retention of vegetation and restricting earth disturbances.) Similarly, if you determine that it is infeasible to provide a natural buffer of any size during construction, you should choose alternative 3.

Design Controls That Provide Equivalent Sediment Reduction as 50-foot Buffer

You must next determine what additional controls must be implemented on your site that, alone or in combination with any retained natural buffer, achieve a reduction in sediment equivalent to that achieved by a 50-foot buffer.

Note that if only a portion of the natural buffer is less than 50 feet, you are only required to implement erosion and sediment controls that achieve the sediment load reduction equivalent to the 50-foot buffer for discharges through that area. You would not be required to provide additional treatment of storm water discharges that flow through 50 feet or more of natural buffer. See Figure A-4.

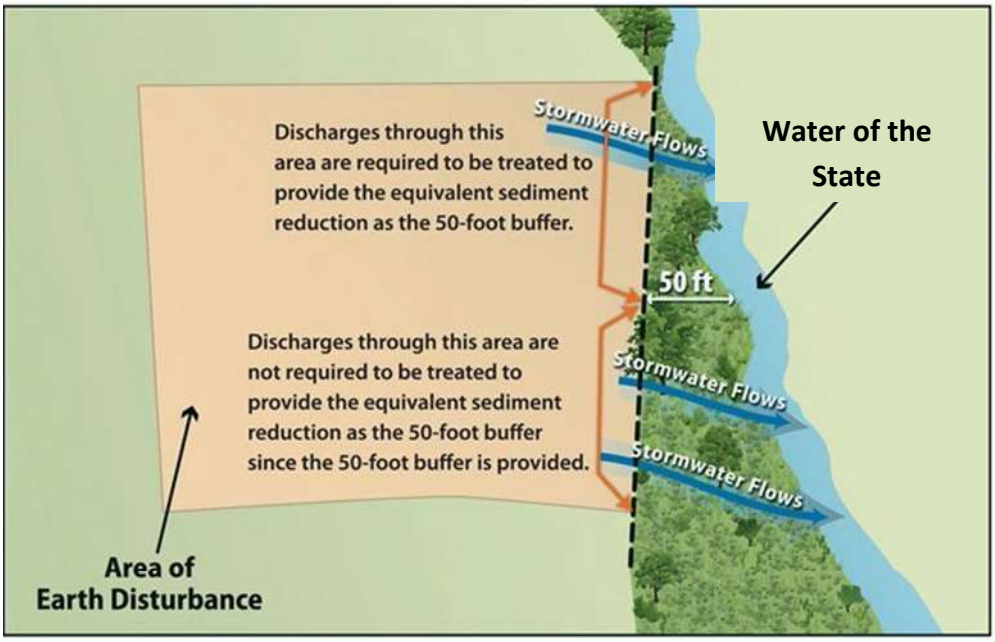

Figure A-4 Example of how to comply with the requirement to provide the equivalent sediment reduction when only a portion of your earth-disturbances discharge to a buffer of less than 50- feet.

Steps to help you meet compliance alternative 2 and 3 requirements are provided below.

Step 1 - Estimate the Sediment Reduction from the 50-foot Buffer

In order to design controls that match the sediment removal efficiency of a 50-foot buffer, you first need to know what this efficiency is for your site. The sediment removal efficiencies of natural buffers vary according to a number of site-specific factors, including precipitation, soil type, land cover, slope length, width, steepness, and the types of erosion and sediment controls used to reduce the discharge of sediment prior to the buffer. EPA has simplified this calculation by developing buffer performance tables covering a range of vegetation and soil types for the areas covered by the CGP. See Attachment 1 of this Appendix, Tables A-8 and A-9. Note: buffer performance values in Tables A-8 and A-9 represent the percent of sediment captured through the use of perimeter controls (e.g., silt fences) and 50-foot buffers at disturbed sites of fixed proportions and slopes.[39] The number of tables has been reduced since many were irrelevant and

[39] EPA used the following when developing the buffer performance tables:

- The sediment removal efficiencies are based on the U.S. Department of Agriculture's RUSLE2 ("Revised Universal Soil Loss Equation 2") model for slope profiles using a 100-foot long denuded slopes.
- Sediment removal was defined as the annual sediment delivered at the downstream end of the 50-foot natural buffer (tons/yr/acre) divided by the annual yield from denuded area (tons/yr/acre).
- As perimeter controls are also required by the CGP, sediment removal is in part a function of the reduction due to a perimeter control (i.e., silt fence) located between the disturbed portion of the site and the upstream edge of the natural buffer and flow traveling through a 50-foot buffer of undisturbed natural vegetation.
- It was assumed that construction sites have a relatively uniform slope without topographic features that accelerate the concentration for erosive flows. (footnote continues on next page)

Table A-8 for Idaho most closely represents northern Utah, and Table A-9 for New Mexico most closely represents southern Utah.

Using Table A-8 for northern Utah or A-9 for southern Utah (see Attachment 1 of this Appendix), you can determine the sediment removal efficiency of a 50-foot buffer for your geographic area by matching the vegetative cover type that best describes your buffer area and the type of soils that predominate at your site. For example, if your site is located in Idaho (northern Utah --Table A-8), and your buffer vegetation corresponds most closely with that of tall fescue grass, and the soil type at your site is best typified as sand, your site's sediment removal efficiency would be 44 percent.

In this step, you should choose the vegetation type in the tables that most closely matches the vegetation that would exist naturally in the buffer area on your site regardless of the condition of the buffer. However, because you are not required to plant any additional vegetation in the buffer area, in determining what controls are necessary to meet this sediment removal equivalency in Step 2 below, you will be able to take credit for this area as a fully vegetated "natural buffer."

Similarly, if a portion of the buffer area adjacent to the water of the state is owned by another party and is not under your control, you can treat the area of land not under your control as having the equivalent vegetative cover and soil type that predominates on the portion of the property on which your construction activities are occurring.

> *For example, if your earth-disturbances occur within 50 feet of a water of the state, but the 10 feet of land immediately adjacent to the water of the state is owned by a different party than the land on which your construction activities are taking place and you do not have control over that land, you can treat the 10 foot area adjacent to the stream as having the equivalent soil and vegetation type that predominates in the 40 foot area under your control. You would then make the same assumption in Step 2 for purposes of determining the equivalent sediment removal (which would be 44% in this case).*

Alternatively, you may do your own calculation of the effectiveness of the 50-foot buffer based upon your site-specific conditions, and may use this number as your sediment removal equivalency standard to meet instead of using Tables A-8 and A-9. This calculation must be documented in your SWPPP.

Step 2 - Design Controls That Match the Sediment Removal Efficiency of the 50-foot Buffer

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- It was assumed that vegetation has been removed from the disturbed portion of the site and a combination of cuts and fills have resulted in a smooth soil surface with limited retention of near-surface root mass.

To represent the influence of soil, EPA analyzed 11 general soil texture classifications in its evaluation of buffer performance. To represent different types of buffer vegetation, EPA evaluated 4 or more common vegetative types for each state/territory covered under the permit. For each vegetation type evaluated, EPA considered only permanent, non-grazed, and non-harvested vegetation, on the assumption that a natural buffer adjacent to the water of the U.S. will typically be undisturbed. EPA also evaluated slope steepness and found that sediment removal efficiencies present in Tables A-8 and A-9 are achievable for slopes that are less than nine percent.

Once you determine the estimated sediment removal efficiency of a 50-foot buffer for your site in Step 1, you must next select storm water controls that will provide an equivalent sediment load reduction. These controls can include the installation of a single control, such as a sediment pond or additional perimeter controls, or a combination of storm water controls. Whichever control(s) you select, you must demonstrate in your SWPPP that the controls will provide at a minimum the same sediment removal capabilities as a 50-foot natural buffer (Step 1). You may take credit for the removal efficiencies of your required perimeter controls in your calculation of equivalency, because these were included in calculating the buffer removal efficiencies in Tables C-8 through C-9. (Note: You are reminded that the controls must be kept in effective operating condition until you complete final stabilization on the disturbed portions of the site discharging to the water of the state)

To make the determination that your controls and/or buffer area achieve an equivalent sediment load reduction as a 50-foot buffer, you should use a model or other type of calculation. As mentioned above, there are a variety of models available that can be used to support your calculation, including USDA's RUSLE-series programs and the WEPP erosion model, SEDCAD, SEDIMOT, or other models. An example is provided in Attachment 3 to help illustrate how this determination could be made.

If you retain a buffer of less than 50 feet, you may take credit for the removal that will occur from the reduced buffer and only need to provide additional controls to make up the difference between the removal efficiency of a 50 foot buffer and the removal efficiency of the narrower buffer. For example, if you retain a 30 foot buffer, you can account for the sediment removal provided by the 30 foot buffer retained, and you will only need to design controls to make up for the additional removal provided by the 20 feet of buffer that is not being provided. To do this, you would plug the width of the buffer that is retained into RUSLE or another model, along with other storm water controls that will together achieve a sediment reduction equivalent to a natural 50-foot buffer.

As described in Step 1 above, you can take credit for the area you retained as a "natural buffer" as being fully vegetated, regardless of the condition of the buffer area.

> *For example, if your earth-disturbances occur 30 feet from a water of the state, but the 10 feet of land immediately adjacent to the water of the U.S. is owned by a different party than the land on which your construction activities are taking place and you do not have control over that land, you can treat the 10-foot area as a natural buffer, regardless of the activities that are taking place in the area. Therefore, you can assume (for purposes of your equivalency calculation) that your site is providing the sediment removal equivalent of a 30-foot buffer, and you will only need to design controls to make up for the additional removal provided by the 20-foot of buffer that is not being provided.*

Step 3 - Document How Site-Specific Controls Will Achieve the Sediment Removal Efficiency of the 50-foot Buffer

In Steps 1 and 2, you determined both the expected sediment removal efficiency of a 50-foot buffer at your site, and you used this number as a performance standard to design controls to be installed at your site, which alone or in combination with any retained natural buffer, achieves

the expected sediment removal efficiency of a 50-foot buffer at your site. The final step is to document in your SWPPP the information you relied on to calculate the equivalent sediment reduction as an undisturbed natural buffer.

DWQ will consider your documentation to be sufficient if it generally meets the following:

- For Step 1, refer to the table in Attachment 1 that you used to derive your estimated 50-foot buffer sediment removal efficiency performance. Include information about the buffer vegetation and soil type that predominate at your site, which you used to select the sediment load reduction value in Tables A-8 and A-9. Or, if you conducted a site-specific calculation for sediment removal efficiency, provide the specific removal efficiency, and the information you relied on to make your site-specific calculation.
- For Step 2, (1) Specify the model you used to estimate sediment load reductions from your site; and (2) the results of calculations showing how your controls will meet or exceed the sediment removal efficiency from Step 1.

If you choose compliance alternative 3, you must also include in your SWPPP a description of why it is infeasible for you to provide and maintain an undisturbed natural buffer of any size.

A.3 SMALL RESIDENTIAL LOT COMPLIANCE ALTERNATIVES

EPA has developed two additional compliance alternatives applicable only to "small residential lots" that are unable to provide and maintain a 50 foot buffer.

> A small residential lot (Common Plan Lot) is a lot or grouping of lots being developed for residential purposes that will disturb less than 1 acre of land, but that is part of a larger residential project that will ultimately disturb greater than or equal to 1 acre.

The following steps describe how a small residential lot operator would achieve compliance with one these 2 alternatives.

A.3.1 Small Residential Lot Compliance Alternative Eligibility

In order to be eligible for the small residential lot compliance alternatives, the following conditions must be met:

6. The lot or grouping of lots meets the definition of "small residential lot"; and
7. The operator must follow the guidance for providing and maintaining a natural buffer in Part A.2.3 of this Appendix, including:
    - Ensure that all discharges from the area of earth disturbance to the natural buffer are first treated by the site's erosion and sediment controls, and use velocity dissipation devices if necessary to prevent erosion caused by storm water within the buffer;
    - Document in the SWPPP the natural buffer width retained on the property, and show the buffer boundary on your site plan; and

- Delineate, and clearly mark off, with flags, tape, or other similar marking device, all natural buffer areas.

A.3.2. Small Residential Lot Compliance Alternatives

You must next choose from one of two small residential lot compliance alternatives and implement the storm water control practices associated with that alternative.

Note: The compliance alternatives provided below are not mandatory. Operators of small residential lots can alternatively choose to comply with the any of the options that are available to other sites in Part 2.2.1.a and A.2.1 of this Appendix.

Small Residential Lot Compliance Alternative 1

Alternative 1 is a straightforward tiered-technology approach that specifies the controls that a small residential lot must implement based on the buffer width retained. To meet the requirements of small residential lot compliance alternative 1, you must implement the controls specified in Table A-1 based on the buffer width to be retained. See footnote 40, below, for a description of the controls you must implement.

For example, if you are an operator of a small residential lot that will be retaining a 35-foot buffer and you choose Small Residential Lot Compliance Alternative 1, you must implement double perimeter controls between earth disturbances and the water of the state.

In addition to implementing the applicable control, you must also document in your SWPPP how you will comply with small residential lot compliance alternative 1.

Table A-1 Alternative 1 Requirements[40]

Retain 50 foot Buffer	Retain <50 and >30 Buffer	Retain ≤30 foot Buffer
No Additional Requirements	Double Perimeter Controls	Double Perimeter Controls and 7-Day Site Stabilization

Small Residential Lot Compliance Alternative 2

Alternative 2 specifies the controls that a builder of a small residential lot must implement based on both the buffer width retained and the site's sediment discharge risk. By incorporating the

[40]Description of Additional Controls Applicable to Small Residential Lot Compliance Alternatives 1 and 2:
•I No Additional Requirements: If you implement a buffer of 50 feet or greater, then you are not subject to any additional requirements. Note that you are required to install perimeter controls between the disturbed portions of your site and the buffer in accordance with Part 2.2.3.
•I Double Perimeter Control: In addition to the reduced buffer width retained on your site, you must provide a double row of perimeter controls between the disturbed portion of your site and the water of the U.S. spaced a minimum of 5 feet apart.
•I Double Perimeter Control and 7-Day Site Stabilization: In addition to the reduced buffer width retained on your site and the perimeter control implemented in accordance with Part 2.2.3, you must provide a double row of perimeter controls between the disturbed portion of your site and the water of the U.S. spaced a minimum of 5 feet apart, and you are required to complete the stabilization activities specified in Parts 2.2.14 within 7 calendar days of the temporary or permanent cessation of earth-disturbing activities.

sediment risk, this approach may result in the implementation of controls that are more appropriate for the site's specific conditions.

Step 1 – Determine Your Site's Sediment Risk Level

To meet the requirements of Alternative 2, you must first determine your site's sediment discharge "risk level" based on the site's slope, location, and soil type. To help you to determine your site's sediment risk level, EPA developed five different tables for different slope conditions. You should select the table that most closely corresponds to your site's average slope.

> *For example, if your site's average slope is 7 percent, you should use Table C-4 to determine your site's sediment risk.*

After you determine which table applies to your site, you must then use the table to determine the "risk level" (e.g., "low", "moderate", or "high") that corresponds to your site's location and predominant soil type.[41]

> *For example, based on Table C-3, a site located in Northern Utah with a 4 percent average slope and with predominately sandy clay loam soils would fall into the "low" risk level.*

Table A-2 Risk Levels for Sites with Average Slopes of ≤ 3 Percent

Soil Type / Location	Clay	Silty Clay Loam or Clay-Loam	Sand	Sandy Clay Loam, Loamy Sand or Silty Clay	Loam, Silt, Sandy Loam or Silt Loam
Idaho (Northern Utah)	Low	Low	Low	Low	Low
New Mexico (Southern Utah)	Low	Low	Low	Low	Low

Table A-3 Risk Levels for Sites with Average Slopes of > 3 Percent and ≤ 6 Percent

Soil Type / Location	Clay	Silty Clay Loam or Clay- Loam	Sand	Sandy Clay Loam, Loamy Sand or Silty Clay	Loam, Silt, Sandy Loam or Silt Loam
Idaho (Northern Utah)	Low	Low	Low	Low	Low
New Mexico (Southern Utah)	Low	Low	Low	Low	Moderate

[41] One source for determining your site's predominant soil type is the USDA's Web Soil Survey located at http://websoilsurvey.nrcs.usda.gov/app/WebSoilSurvey.aspx.

Table A-4 Risk Levels for Sites with Average Slopes of > 6 Percent and ≤ 9 Percent

Soil Type / Location	Clay	Silty Clay Loam or Clay- Loam	Sand	Sandy Clay Loam, Loamy Sand or Silty Clay	Loam, Silt, Sandy Loam or Silt Loam
Idaho (Northern Utah)	Low	Low	Low	Low	Low
New Mexico (Southern Utah)	Low	Low	Low	Low	Moderate

Table A-5 Risk Levels for Sites with Average Slopes of > 9 Percent and ≤ 15 Percent

Soil Type / Location	Clay	Silty Clay Loam or Clay- Loam	Sand	Sandy Clay Loam, Loamy Sand or Silty Clay	Loam, Silt, Sandy Loam or Silt Loam
Idaho (Northern Utah)	Low	Low	Low	Low	Low
New Mexico (Southern Utah)	Low	Moderate	Low	Moderate	Moderate

Table A-6 Risk Levels for Sites with Average Slopes of > 15 Percent

Soil Type / Location	Clay	Silty Clay Loam or Clay- Loam	Sand	Sandy Clay Loam, Loamy Sand or Silty Clay	Loam, Silt, Sandy Loam or Silt Loam
Idaho (Northern Utah)	Low	Low	Low	Low	Moderate
New Mexico (Southern Utah)	Moderate	Moderate	Moderate	Moderate	High

Step 2 – Determine Which Additional Controls Apply

Once you determine your site's "risk level", you must next determine the additional controls you need to implement on your site, based on the width of buffer you plan to retain. Table A-7

specifies the requirements that apply based on the "risk level" and buffer width retained. See footnote 40, above, for a description of the additional controls that are required.

For example, if you are the operator of a small residential lot that falls into the "moderate" risk level, and you decide to retain a 20-foot buffer, using Table A-7 you would determine that you need to implement double perimeter controls to achieve compliance with small residential lot compliance alternative 2.

You must also document in your SWPPP your compliance with small residential lot compliance alternative 2.

Table A-7. Alternative 2 Requirements

Risk Level Based on Estimated Soil Erosion	Retain ≥ 50' Buffer	Retain <50' and >30' Buffer	Retain ≤30' and >10' Buffer	Retain ≤ 10' Buffer
Low Risk	No Additional Requirements	No Additional Requirements	Double Perimeter Control	Double Perimeter Control
Moderate Risk	No Additional Requirements	Double Perimeter Control	Double Perimeter Control	Double Perimeter Control and 7-Day Site Stabilization
High Risk	No Additional Requirements	Double Perimeter Control	Double Perimeter Control and 7-Day Site Stabilization	Double Perimeter Control and 7-Day Site Stabilization

ATTACHMENT 1

Sediment Removal Efficiency Tables[42]

EPA recognizes that very high removal efficiencies, even where theoretically achievable by a 50-foot buffer, may be very difficult to achieve in practice using alternative controls. Therefore in the tables below, EPA has limited the removal efficiencies to a maximum of 90%. Efficiencies that were calculated at greater than 90% are shown as 90%, and this is the minimum percent removal that must be achieved by alternative controls.

For the Utah CGP only the tables for Idaho and New Mexico are shown. The table for Idaho substitutes for northern Utah and the table for New Mexico substitutes for southern Utah.

Table A-8 Estimated 50-foot Buffer Performance in Idaho* (Northern Utah)

	Estimated % Sediment Removal				
Type of Buffer Vegetation**	**Clay**	**Silty Clay Loam or Clay-Loam**	**Sand**	**Sandy Clay Loam, Loamy Sand or Silty Clay**	**Loam, Silt, Sandy Loam or Silt Loam**
Tall Fescue Grass	42	52	44	48	85
Medium-density Weeds	28	30	28	26	60
Low-density Warm-season Native Bunchgrass (i.e., Grama Grass)	25	26	24	24	55
Northern Mixed Prairie Grass	28	30	28	26	50
Northern Range Cold Desert Shrubs	28	28	24	26	50

* Applicable for sites with less than nine percent slope

** Characterization focuses on the under-story vegetation

Table A-9 Estimated 50-foot Buffer Performance in New Mexico* (Southern Utah)

	Estimated % Sediment Removal				
Type of Buffer Vegetation **	**Clay**	**Silty Clay Loam or Clay-Loam**	**Sand**	**Sandy Clay Loam, Loamy Sand or Silty Clay**	**Loam, Silt, Sandy Loam or Silt Loam**
Tall Fescue grass	71	85	80	86	90

[42] The buffer performances were calculated based on a denuded slope upgradient of a 50-foot buffer and a perimeter controls, as perimeter controls are a standard requirement (see Part 2.2.3).

Medium-density Weeds	56	73	55	66	78
Low-density Warm-season Native Bunchgrass (i.e., Grama Grass)	53	70	51	62	67
Southern Mixed Prairie Grass	53	71	52	63	50
Southern Range Cold Desert Shrubs	56	73	55	65	53

* Applicable for sites with less than nine percent slope

** Characterization focuses on the under-story vegetation

ATTACHMENT 2

Using the Sediment Removal Efficiency Tables – Questions and Answers

– **What if my specific buffer vegetation is not represented in Tables A-8 and A-9?** Tables A-8 and A-9 provide a range of factors affecting buffer performance; however, there are likely instances where the specific buffer vegetation type on your site is not listed. If you do not see a description of the type of vegetation present at your site, you should choose the vegetation type that most closely matches the vegetation type on your site. You can contact your local Cooperative Extension Service Office (http://nifa.usda.gov/partners-and-extension-map) for assistance in determining the vegetation type in Tables C-8 through C-9 that most closely matches your site-specific vegetation.

– **What if there is high variability in local soils?** EPA recognizes that there may be a number of different soil type(s) on any given construction site. General soil information can be obtained from USDA soil survey reports (http://websoilsurvey.nrcs.usda.gov) or from individual site assessments performed by a certified soil expert. Tables A-8 and A-9 present eleven generic soil texture classes, grouping individual textures where EPA has determined that performance is similar. If your site contains different soil texture classes, you should use the soil type that best approximates the predominant soil type at your site.

– **What if my site slope is greater than 9 percent after final grade is reached?** As indicated in the buffer performance tables, the estimated sediment removal efficiencies are associated with disturbed slopes of up to 9 percent grade. Where your graded site has an average slope of greater than 9 percent, you should calculate a site-specific buffer performance.

– **How do I calculate my own estimates for sediment reduction at my specific site?** If you determine that it is necessary to calculate your own sediment removal efficiency using site- specific conditions (e.g., slopes at your site are greater than 9 percent), you can use a range of available models that are available to facilitate this calculation, including USDA's RUSLE- series programs and the WEPP erosion model, SEDCAD, SEDIMOT, or other equivalent models.

– **What is my estimated buffer performance if my site location is not represented by Tables Tables A-8 and A-9?** If your site is located in an area not represented by Tables A-8 and A-9, you should use the table that most closely approximates conditions at your site (Table A-8 generally represents northern Utah, Table A-9 generally represents southern Utah). You may instead choose to conduct a site-specific calculation of the buffer performance.

– **What if only a portion of my site drains to the buffer area?** If only a portion of your site drains to a water of the State, where that water is within 50 feet of your earth disturbances, you are only required to meet the equivalency requirement for the storm water flows corresponding to those portions of the site. See Attachment 3 for an example of how this is expected to work.

ATTACHMENT 3

Example of How to Use the Sediment Removal Efficiency Tables

Arid Location With Pre-existing Disturbances in the Natural Buffer (6.5 acre site located in southern Utah)

An operator of a site in southern Utah determines that it is not feasible to provide a 50-foot buffer, but a 28-foot buffer can be provided. Because the operator will provide a buffer that is less than 50 feet, the operator must determine which controls, in combination with the 28-foot buffer, achieve a sediment load reduction equivalent to the 50-foot buffer. In this example, the project will disturb 6.5 acres of land, but only 1.5 acres of the total disturbed area drains to the buffer area. Within the 28-foot buffer area is a preexisting concrete walkway. The equivalence analysis starts with Step 1 in Part A.2.4 of this Appendix with a review of the southern Utah buffer performance (Table A-9). The operator determines that the predominate vegetation type in the buffer area is prairie grass, the soil type is similar to silt, and the site is of a uniform, shallow slope (e.g., 3 percent grade). Although the operator will take credit for the disturbance caused by the concrete walkway as a natural buffer in Step 2, here the operator can treat the entire buffer area as being naturally vegetated with prairie grass. Based on this information, the operator refers to Table A-9 to estimate that the 50-foot buffer would retain 50 percent of eroded soil.

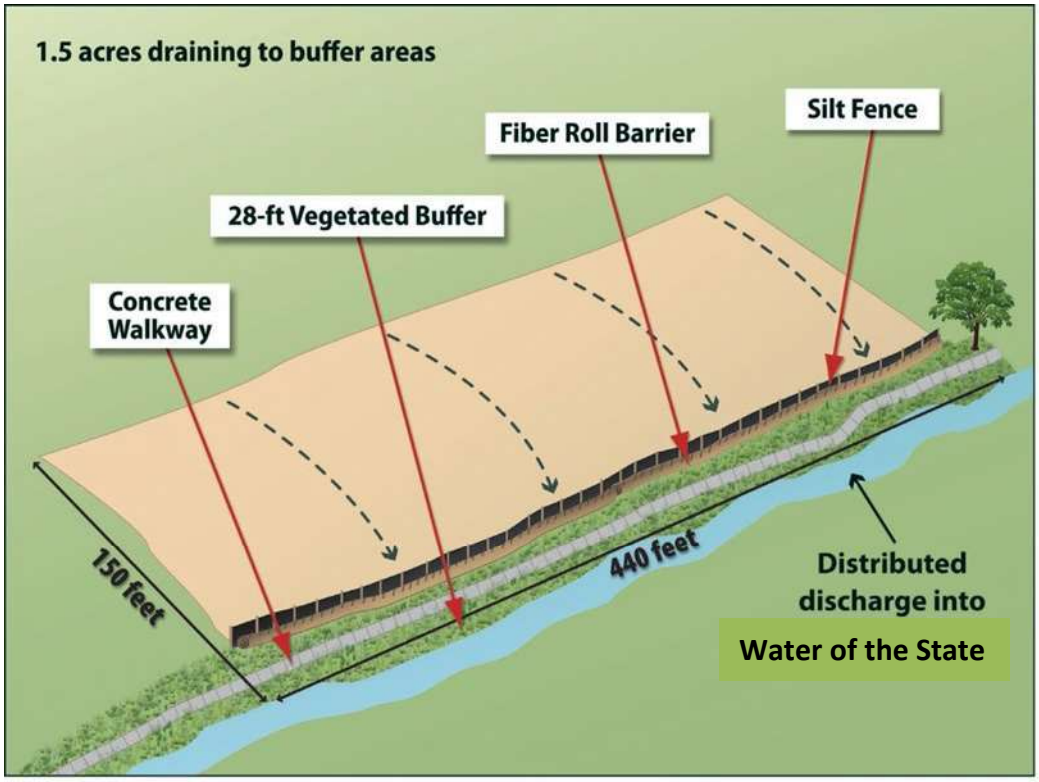

Figure A-5 Example – Equivalent Sediment Load Reductions at a 6.5 ac Site in Southern Utah.

The second step is to determine, based on the 50 percent sediment removal efficiency found in Table A-9, what sediment controls, in combination with the 28-foot buffer area, can be implemented to reduce

sediment loads by 50 percent or more. The operator does not have to account the reduction in buffer function caused by the preexisting walkway, and can take credit for the entire 28-foot buffer being fully vegetated in the analysis. For this example, using the RUSLE2 profile model, the operator determined that installing a fiber roll barrier between the silt fence (already required by Part 2.2.3) and the 28-foot buffer will achieve an estimated 84 percent sediment removal efficiency. See Figure A-5. Note that this operator is subject to the requirement in Part A.2.3 of this Appendix to ensure that discharges through the silt fence, fiber roll barrier, and 28-foot buffer do not cause erosion within the buffer. The estimated sediment reduction is greater than the required 50 percent; therefore the operator will have met the buffer alternative requirement.

General Permit for Storm Water Discharges from Construction Activities
STATE OF UTAH, DEPARTMENT OF ENVIRONMENTAL QUALITY,
DIVISION OF WATER QUALITY

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

This Permit is issued in compliance with the provisions of the Utah Water Quality Act (Utah Code Annotated 19-5, as amended) the federal Water Pollution Control Act (33 United States 1251 et. seq., as amended by the Water Quality Act of 1987, Public Law 100-4), and the rules and Regulations made pursuant to those statutes.

This permit applies to "construction activity" for a single lot disturbing a total of one acre or less and for construction activities related to residential dwellings. A single lot covered by this permit is part of a common plan of development or sale (see definitions in Part 6).

Issuance of this permit does not authorize any permittee to violate water quality standards. The permittee shall develop best management practices (BMPs) and engage in activities that will protect water quality during the construction project.

This permit shall become effective on February 1, 2021.

This permit and the authorization to discharge expire at midnight on January 31, 2026.

Signed this 29th day of January, 2021

Erica Brown Gaddis, PhD
Director

DWQ-2021-001314

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1. COVERAGE UNDER THIS PERMIT. Conditions for coverage under this permit.

1.1. Coverage Limitations. A project site (see definition of a project site in Part 6) is eligible for this permit if it meets the following requirements:

1.1.1. It is found within the State of Utah but is not in Indian Country,

1.1.2. The construction activity is related to residential building on an individual lot or parcel.

1.1.3. It disturbs a total of one acre or less over the duration of the construction project,

1.1.4. *Multiple site coverage*:

1.1.4.a. This permit may apply to multiple lots with the contingency that each lot be covered under a different permit number (separate permit coverage for each lot). Lots do not necessarily need to be located within the same sub-division.

1.1.4.b. If multiple lot coverage is desired under one permit, it may be obtained under the General Permit for Discharges from UPDES Permit No. UTRC00000 (CGP). Multiple lots may be covered under one number (one permit coverage) provided that UTRC00000 is the controlling permit, and all lots covered under that tracking number are within the same sub-division.

1.1.5. *High Risk Sites*: If the project is located within the jurisdiction of, or discharges into, a Municipal Separate Storm Sewer System (MS4), the MS4 may require the permittee to utilize coverage under the CGP instead of using this permit if;

1.1.5.a. the project site is located within 50 feet of a perennial surface water, or;

1.1.5.b. the project site has a steep slope (70% or 35 degrees or more) with an elevation change from the slope of 10 feet or more (at any point during the time of construction – not including stockpiles).

1.1.6. *Common Plan of Development Limitations:* If the purpose of the project lot within common plan of development has been completed, the lot is no longer eligible for coverage under the Common Plan Permit. The purpose is considered complete as lots or separated sections of the development are completed, the lot or section is stabilized, and the plan purposes are fulfilled for that area, lot, or section.

1.2. Discharges Allowed. This permit allows discharges of storm water from construction activity at a project site, provided the storm water discharge meets the requirements within this permit.

1.3. Non-Storm Water Discharges. Other non-storm water discharges that are allowed are:

1.3.1. Flushings from potable or irrigation water sources where they have not been used for a washing or cleaning activity;

1.3.2. Water used for dust control;

1.3.3. Spring water and groundwater that have not been soiled with sediment or other pollutants from construction activity;

1.3.4. Emergency fire-fighting activities, and;

1.3.5. Footing drains that have not been soiled from construction activity.

1.4. How to Obtain Permit Coverage. The permit may be obtained online at the Utah Department of Environmental Quality (DEQ) UPDES Permits website at https://deq.utah.gov/water-quality/general-construction-storm-water-updes-permits. Click on the "UPDES NeT Apply Online" button. Create an account, or if an account has already been created, proceed with providing the information requested. **The notice of intent (NOI) for this permit is the same NOI that is used for the CGP, UTRC00000.** To complete the application process the permittee must pay a permit fee. The NOI may be filled out electronically using the online permit application system. The NOI can also be submitted using a downloadable pdf version of the NOI obtained from the same website cited above along with the permit fee. The form and fee can either be hand delivered to Utah Division of Water Quality [DWQ], 195 North 1950 West, Salt Lake City, Utah, 3rd floor in the MASOB building, or mailed to DWQ, P.O. Box 144870, Salt Lake City, Utah 84114-4870. When a party receives coverage under the permit, they will receive a permit number, and the opportunity to download a copy the NOI and Authorization to Discharge Letter for "proof of coverage." A copy of this permit may be downloaded from the Online Permits Database.

1.4.1. Signature on the NOI. The owner and the general contractor, which in some cases could be the same party, must sign the downloadable pdf version of the NOI (see 5.16.1.a) and place it in the storm water pollution prevention plan (SWPPP) along with the Authorization to Discharge Letter. (see 4.2.8). In the online permits database, if technical limitations prevent the signature of both owner and operator, either the owner or operator is acceptable, but the owner's signature is preferred.

1.5. Permit Renewal. This permit must be renewed yearly on the anniversary date of the original permit application. This is done by logging onto the account created at the time of NOI application, refreshing the information on the NOI, and paying the yearly permit fee.

1.6. Start and end of Permit Coverage. Permit coverage begins immediately upon completion and submission of an NOI and the permit fee. If the NOI is submitted electronically on-line permit coverage begins on that day, upon the receipt of the Authorization to Discharge Letter. If the NOI is submitted by mail permit coverage begins when the NOI is received and entered into the on-line data base by DWQ staff, and an Authorization to Discharge Letter is generated with coverage dates, for the permittee. For projects within the jurisdiction of a regulated MS4 (see definitions in Part 6; the list of regulated MS4s is found on https://deq.utah.gov/water-quality/municipal-separate-storm-sewer-system-ms4s-permits-updes-permits), the permittee must also notify and receive approval for the project from the regulated MS4 having jurisdiction before the project may commence (see 4.2.11.). The permit fee is an annual fee that must be paid yearly on the anniversary date of permit issuance. The permit will remain effective until or unless any of the following occurs:

1.6.1. The permittee completes the notice of termination (NOT) process, as outlined in section 1.7,

1.6.2. The permittee fails to submit the yearly permit fee,

1.6.3. Aside from permit coverage, which may be renewed annually by the permittee, as needed, this general permit expires every 5 years and normally is renewed through a public notice process by DWQ. In the event that the permit nears the end of its 5 year cycle, and the year of permit coverage for a construction site extends beyond the expiration date for the permit, the permittee must request continuing coverage through the permit renewal process. Otherwise permit coverage for a construction site will terminate when the general permit expires. Renewal of permit coverage can be done in the online electronic storm water data base up to 12 months prior to the expiration of the permit, or by letter

received by DWQ before the expiration date of the specific permit coverage in question where concurrently all entries in the NOI can be updated as needed.

1.6.3.a. If a renewal permit has been issued and is in place at the expiration date of this permit, this permit will terminate and coverage under the renewed permit will begin on the expiration date unless 1.7.1 has been invoked by the permittee.

1.6.3.b. If a renewal permit has not been issued, this permit will be administratively extended until a renewal permit is issued or it is determined that this permit will not be continued. If a renewal permit is issued, and the permittee indicated a desire for continuing coverage under the new permit, coverage will continue for the permittee under the new permit coverage unless 1.7.1 is invoked. If the permit is discontinued, the permittee must continue coverage under another general permit or an individual permit.

1.6.4. Coverage under this permit is rescinded or revoked for administrative reasons. In this case, the permittee will be notified in writing from the Director and will be required to apply for coverage under a different general or individual UPDES permit. This permit is terminated on the day coverage under another permit begins.

1.7. Notice of Termination. The permittee must terminate the permit by submitting an NOT when the project is completed. The NOT must be filed and retained for 3 years after the permit has been terminated (see 3.7). To terminate the permit, the permittee must comply with either 1.8.1 or 1.8.2, outlined below, and must comply with 1.8.3 if the project is within the jurisdiction of a regulated MS4 (see http://www.deq.utah.gov/Permits/water/updes/stormwatermun.htm for regulated MS4s):

1.7.1. The landscaping is completed and the site meets "final stabilization" requirements (see part 6, definitions, for final stabilization).

1.7.2. When a project (residential building) is completed but 'final stabilization' is not established, the building must be in process of being sold and ready for homeowners to take possession. If built by the homeowners, they must be in the process of moving in or already have moved in the house. The lot must have perimeter controls on downslope boundaries and surface stabilization controls on all surfaces that are 20% (1 to 5 slope, or 11.3 degrees) or greater to prevent erosion and soil migration offsite;

1.7.3. The permittee must submit a downloadable pdf copy of a NOT form to the MS4 of jurisdiction and schedule a final inspection (with the MS4). Termination is complete upon approval of the final inspection from the local MS4, or from DWQ if outside the jurisdiction of a regulated MS4.

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

1.9. Requirement to Post a Notice of Permit Coverage. The permittee must post a sign at the project

site that includes the UPDES Permit tracking number, owner or general contractor contact name, a phone number for the owner or general contractor (must be available during business hours), an email address for the owner or general contractor (must be checked and responded to within 24 hours on week days), and in the case of an electronic SWPPP, a web address or information on how to access the electronic SWPPP. The notice must be posted with lettering large enough to be readable from a public right-of-way.

2. POLLUTION PREVENTION REQUIREMENTS

2.1. Structural Controls. Minimize sediment transport off the site as follows:

2.1.1. *Stockpiled Material*. Stockpiled material must not be stored on an impervious surface, except a material that will not be transported with precipitation, such as two-inch graded and washed gravel, unless it will be permanently and immediately placed and the holding area will be swept clean the same day it is dropped. If stored for more than a day, it must be placed as far as feasibly possible from roads or other impervious surfaces, storm water inlets, or water bodies, and with stockpile perimeter runoff controls utilized.

2.1.2. *Perimeter Controls.* Perimeter controls such as silt fences, straw wattles, other filter berms, cut back curbs, vegetative buffers, etc., must be properly placed on the downslope sides of the project to prevent sediment from leaving the site during a storm event. As perimeter controls become loaded to 1/3 of capacity, they must be cleaned.

2.1.3. *Inlet Protection*. Storm-drain inlets on the project site and on adjacent roads immediately down gradient from the site must be protected if they receive drainage from the active construction site. Protection may be, but is not limited to, rock wattles, gravel bags, or proprietary or other devices. Rock wattles and sand or gravel bags are not advised for use in winter because they can be destroyed or removed by snow plows.

2.2. Protection of Critical or Sensitive Areas: Critical or sensitive areas such as preservation of the drip line around trees, wetlands, buffer zones by water bodies, etc., must be separated and isolated by clearly marking the areas with environmental fencing.

2.3. Managing the Site to Minimize Sediment Transport Offsite.

This may be accomplished using experience, estimates, and good judgment; unless unusual or extraordinary site conditions present a potential for excessive erosion, hillside/impoundment collapse, environmental/safety hazards, or other site problems; for which a professional engineer must be consulted.

2.3.1. The total area of soil disturbance at any one time must be minimized by disturbing only the area necessary to complete that stage of construction in the construction process.

2.3.2. Soil disturbances on steep slopes must be minimized. For purposes of this permit a steep slope is 70% (or 1 to 1.66, or 35 degrees), or greater. This means avoiding a disturbance of soils on steep slopes or if disturbing the soil surface is necessary providing a robust surface stabilizing cover (such as geomats, environmental blankets, or other robust slope stabilizing control) to prevent erosion.

2.3.3. Storm water volume and velocity must be controlled to minimize soil erosion and sediment transport by methods such as allowing or not obstructing infiltration and using velocity-control devices to reduce energy in runoff flowing on slopes.

2.3.4. Storm water discharges leaving the site, including both peak flowrates and total storm water volume, must be controlled to minimize channel and stream-bank erosion and scour in the immediate vicinity of discharge points.

2.3.5. *Fifty-Foot Vegetative Buffer*. If a waterbody is adjacent to, within 50 feet from, or passing through the project boundaries, a 50-foot natural buffer between the waterbody and construction activity must be provided. If a 50-foot natural buffer cannot be provided, a substitute control measure equivalent to the 50-foot buffer must be provided, or the SWPPP must contain an explanation why neither is feasible. If it is not feasible to maintain a 50-foot natural buffer, as much natural buffer as is possible must be preserved and coupled with placement of additional erosion and sediment controls designed, implemented, and maintained to substitute and be equivalent to the 50-foot natural buffer.

The requirement for a natural buffer or substitute controls does not apply to any area outside of the project boundaries, but if a waterbody is within, for example, 20 feet from the project boundary, there must be 30 feet of natural vegetative buffer or substitute controls.

2.3.5.a. Substitution for a natural buffer should be calculated with models such as USDA's RUSLE2 or WEPP, or by using SEDCAD, SEDIMOT, or other similar models. In lieu of using a model for calculation of a substitution buffer, the permittee shall deploy the following:

2.3.5.a.i. For every full 9 feet of natural buffer that is not provided on slopes up to 10 percent, one row of an effective perimeter control, such as a silt fence, staked straw wattle, proprietary or other filter berm, or other perimeter control, must be properly placed. For example, if only 15 feet of natural buffer can be provided, the permittee will substitute one row of a perimeter control in addition to the 15 feet of natural buffer to make up for the 15 feet of buffer that could not be preserved.

2.3.5.a.ii. In addition to the requirements above for substitutions in place of the 50-foot natural buffer, on slopes between 10 percent and 30 percent, five feet of surface stabilization must be placed down gradient of and between each perimeter control substituted. For slopes steeper than 30 percent, 6 feet of surface stabilization must be placed downgradient of and between each perimeter control substituted, such as mulch, hydromulch, wood chips, bark, compost, erosion mat, etc., but excluding tackifiers.

2.4. Good Housekeeping Measures. The permittee must address the following:

2.4.1. *Track Out*. Track-out pads (see definitions) and or rumble strips (see definitions) must be used to prevent dirt/mud tracked on streets as vehicles leave the site. If traffic onto and off the site is not frequent, a site operator may impose a blanket prohibition of vehicle traffic onto the site, allowing for the occasions to deliver and unload, but afterwards providing sweeping and/or cleaning of tracked out dirt (keep in mind that vehicles leaving a muddy site with no track out protection can track mud for several blocks – the operator is liable for all track out from the site except for a dirt stain after sweeping -- see note after 3.2.2.). Dirt or mud tracked out on the street must not be washed or hosed into a storm drain. Tracked out mud or dirt on the street must be swept and/or scraped up as needed every day (see 3.2.2).

2.4.2. *Curb Ramps*: This permit prohibits the intentional placement of dirt and/or mud on paved streets or sidewalks. Curb ramps may be crushed rock, wood or steel ramps, or another material that does not wash away with storm water.

2.4.3. *Waste and Debris*. The site must be cleaned of waste and debris daily (see daily self-inspection 3.2.2). Waste and debris must be contained and secured adequately to prevent scattering from wind until it is removed from the site and disposed of properly.

2.4.4. *Portable Toilet*. Portable toilets must be tied down, staked down, or secured using other measures to prevent turn over, and they must be placed away from a road gutter, storm water inlet, or waterbody.

2.4.5. *Washing of Concrete, Stucco, and Paint Equipment*. A lined, leak-proof pit or a rigid, leak-proof container must be provided for washout of equipment used for concrete, stucco, and water-based paint. After completion of concrete, stucco, and paint tasks, the permittee must dispose of the waste by drying and sending solids to a landfill. Oil-based paint cleanout must be done in containers, taken off-site, and disposed of separately.

2.5. Soil Compaction/Top Soil. Topsoil must be preserved and placed on areas to be landscaped or areas planned for receiving vegetative cover, unless infeasible. Soil compaction must be minimized on areas that will not be used for support of structural elements such as roads, parking areas, structures, etc., unless infeasible. Note in the SWPPP and locations where it is infeasible and document the reason for infeasibility.

2.6. Stabilization Requirement. Stabilization requirements are as follows:

2.6.1. *Stabilization requirements for areas that receive 20 inches of rainfall annually or greater*: Stabilization of disturbed areas must, at a minimum, be initiated immediately whenever any clearing, grading, excavating or other earth disturbing activities have permanently ceased on any portion of the site or have temporarily ceased on any portion of the site for greater than 14 calendar days. Stabilization can be sodding, planting, application of mulch (wood chips, rock, gravel, bark, compost, cat tracking on straw, hydromulch, etc.), application of geotextiles or erosion blankets, application of a tackifier, seeding (including preparation for germination and growth), a combination of these methods, or other method.

2.6.2. *Stabilization or equivalent requirements for arid and semi-arid areas (areas receiving less than 20 inches of rainfall annually)*: Stabilization for visually flat areas is not required (roughly up to 5 percent, 1 to 20 slope, or 2.3 degrees slope). Areas with slopes up to roughly 20 percent (1 to 5 slope or 11.3 degrees) must have, at minimum, velocity-control devices in every area where storm water collects and flows, spaced close enough across the flow to stop erosion (see also 2.3.3). Soil surface stabilization such as sodding, planting, hydromulch, compost, bark, cat tracking on straw, gravel, geotextiles, erosion blankets, or other stabilization methods is required on all other sloped areas, increasing the robust nature of stabilizing cover commensurately with increasingly steeper slopes.

2.6.3. Permanent Stabilization for Arid areas.

2.6.3.a. In addition to requirements above (see 2.6.2), permanent stabilization requires seeding with a seed mix of plants indigenous to the area or tolerant to the local

climatic conditions that does not include invasive species on all areas that are not covered with permanent stabilization elements or structural elements such as building structure or pavement, or that are engineered or intended for structural purposes like graveled parking or dirt roads.

2.6.3.b. Disturbed areas on projects located outside of populated and developed areas and where no irrigation water is available and where future periodic landscaping maintenance is not planned must be reclaimed with a seed mix of plants indigenous to the area or tolerant to the local climatic conditions that does not include invasive species. Velocity-control devices may be permanent or temporary. If velocity-control devices are intended for temporary use, they must be biodegradable and designed durable enough to withstand extreme weather.

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

2.8. Pollution Prevention Measures. The permittee must design, install, implement, and maintain effective pollution prevention measures to minimize the discharge of pollutants. At a minimum, such measures must address the following:

2.8.1. *Vehicle, Wheel, and Other Washing*. Minimize the discharge of pollutants from equipment and vehicle washing, wheel-wash water, and other wash waters. Wash waters must be treated in a sediment basin or alternative control that provides equivalent or better treatment prior to discharge

2.8.2. *Exposure to Pollutants*. Minimize the exposure of building materials, building products, construction wastes, trash (see 2.4.3), landscape materials, fertilizers, pesticides, herbicides, detergents, sanitary waste (see 2.4.4), and other materials present on the site to precipitation and to storm water. Minimization of exposure is not required in cases where the exposure to precipitation and to storm water will not result in a discharge of pollutants, or where exposure of a specific material or product poses little risk of storm water contamination (e.g., final products and materials intended for outdoor use).

2.8.3. *Leaks and Spills*. Minimize the discharge of pollutants from spills and leaks and implement procedures for preventing and responding to chemical leaks and spills.

2.9. Prohibited Discharges. The following discharges are prohibited:

2.9.1. Wastewater from washout or cutting of concrete (see 2.4.5),

2.9.2. Wastewater from washout and cleanout of stucco, paint, form release oils, curing compounds, and other construction materials (see 2.4.5),

2.9.3. Fuels, oils, or other pollutants used in vehicle and equipment operation and maintenance,

2.9.4. Soaps or solvents used in vehicle and equipment washing.

2.10. Impaired Waters If the first receiving water the site discharges to a sediment or nutrient-impaired water the site must implement Best Management Practices to minimize and prevent the discharge

of the respective pollutants.

2.10.1. The NOI process requires that you determine if the watershed that you discharge into is impaired or if it is considered high quality. Only the first surface water you discharge to is used when determining if your discharge enters an impaired or high quality waterbody. For discharges that enter a storm water system prior to discharge, the first water of the state to which you discharge is the waterbody that receives the storm water discharge from the storm sewer system. Please refer to water quality information at http://mapserv.utah.gov/surfacewaterquality/

3. SELF-INSPECTION REQUIREMENTS.

3.1. Inspector Qualifications. Weekly inspections (see 3.2.1 below) must be done by a qualified person. A qualified person means a person knowledgeable in the principles and practices of erosion and sediment control that possesses the skills to:

3.1.1. Assess conditions at the construction site that could impact storm water quality,

3.1.2. Assess the effectiveness of a storm water control measure selected to control the quality of storm water discharges from the construction activity.

3.2. Self-Inspections.

3.2.1. *Weekly Self Inspections*: Self-inspections must occur every 7 days. A written report is required (see 3.4).

3.2.2. *Daily Site Check*: Each day of construction activity, the site must be inspected for dirt in the street and trash on the site. Streets must be swept clean (see note below), if soiled. Dirt must be removed off the street (not swept or washed into the storm drain system). Trash on the site must be picked up and disposed of into trash containers (see 2.4.3.) or disposed of off-site (e.g., municipal/private garbage collection service or construction waste landfill). Sub-contractors must be held responsible by the permit holder to perform these duties in accordance with this paragraph for the activities they are contracted to perform. A written report is not required, however the operator will keep a daily log (for the active construction days) listing the initials of the person doing the site check.

3.2.2.a. If the site discharges to a water body impaired for either sediment or nutrients, the daily site check must also include any additional areas where potential sediment or nutrient discharges may occur.

Note: Swept clean means sweeping and scraping. Scraping if there is dirt left behind that is crusted and that sweeping will not pick up. This does not mean removing the microscopic layer of dust or the minute amounts of dirt in the cracks and crevices of the surface left behind staining the pavement.

3.3. Weekly Self-Inspection Requirements.

3.3.1. Areas to check include the following:

3.3.1.a. Areas that have been cleared, graded, or excavated that are not stabilized,

3.3.1.b. All storm water control measures, including perimeter controls,

3.3.1.c. Material piles, waste-disposal containers, sanitary facilities, loose trash, litter, washout areas, portable toilets, track out pad, egress points (if any), etc.,

3.3.1.d. Storm water conveyances through the site, treatment areas, and drainages,

3.3.1.e. All storm water discharge points, street gutters, storm water inlets,

3.3.1.f. Areas that have been temporarily stabilized,

3.3.1.g. Areas that have been permanently stabilized and are completed do not need further inspections.

3.3.2. *Items to check include the following*:

3.3.2.a. All erosion and sediment controls and other pollution prevention controls

have been installed, are operational, and are working as intended to minimize pollutant discharges. Determine if any controls need to be replaced, repaired, or maintained.

3.3.2.b. Identify any locations where new or modified storm water controls are necessary.

3.3.2.c. Signs of visible erosion and sedimentation (i.e., sediment deposits) that have occurred and are attributable to discharges from your site,

3.4. Weekly Inspection Reports. The weekly self-inspection report must be written within 24 hours of inspection and must include:

3.4.1. The initials of the person doing the inspection,

3.4.2. The date of the inspection,

3.4.3. The weather during the inspection,

3.4.4. The problems that were found needing correction (as they pertain to 3.3.1 and 3.3.2 above),

3.4.5. The date when corrective action is completed,

3.4.6. All self-inspection reports must be filed with other permit records regarding the permit. Inspection reports must be available during an oversight inspection.

3.5. Corrective Action Due Dates: Corrective action must be completed before the next weekly inspection is due.

3.5.1. Corrective actions stemming from an inspection by an oversight authority may be given at the discretion of the inspector, but must be completed prior to the next rain event or 7 days, whichever is sooner.

3.6. Conditions Triggering Corrective Action: You must take corrective action to address any of the following conditions at your site:

3.6.1. A storm water control needs repair or replacement from any inspection.

3.6.2. A storm water control necessary to comply with the terms of this permit was not installed, or installed incorrectly

3.6.3. Your discharges are either prohibited, or are causing an exceedance of water quality standards

3.7. Inspections by an Oversight Authority. A copy of an oversight inspection report must be filed and be available for review during other oversight inspections.

3.8. Record Keeping. Records regarding this permit, the Authorization to Discharge, the NOT, the SWPPP, inspection reports, other related information and documents must be preserved for 3 years after the submission of the NOT (see 5.10).

4. STORM WATER POLLUTION PREVENTION PLAN (SWPPP).

4.1. SWPPP Requirement. The permittee must prepare a SWPPP before the NOI for the project is submitted. The SWPPP must address all the applicable requirements in Part 2.

4.1.1. *SWPPP Site Design*. The design, installation, and maintenance of erosion and sediment controls must address factors such as the amount, frequency, intensity and duration of precipitation; the nature of resulting storm water runoff; and soil characteristics, including the range of soil particle sizes expected to be present onsite. These may be accomplished using experience, estimates, and good judgement, unless unusual or extraordinary site conditions create hazards for which a professional engineer must be consulted.

4.1.2. *Surface Outlets*: When discharging from basins and impoundments, utilize outlet structures that withdraw water from the surface, unless infeasible.

4.2. Contents of a SWPPP. A SWPPP must contain the following:

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

4.2.2. *Sequence and Estimated Dates of Construction Activities.* Listed in the sequence with estimated dates including the following:

4.2.2.a. Start and end of excavation activities, initial excavation, backfill excavation and final grading,

4.2.2.b. Any temporary or permanent cessation of earth-disturbing activities,

4.2.2.c. Start and end of landscaping if this is done as part of the construction activity before the home is sold.

4.2.3. *Site Map or Chart*. A site map may be hand drawn (as close to scale as possible) or may be a copy of an architect drawing including the following information:

4.2.3.a. Boundaries of the property,

4.2.3.b. Boundaries of soil surface disturbances, including any outside the boundaries of the property,

4.2.3.c. Slopes, including areas of steep slopes,

4.2.3.d. Locations of stockpiles of soils, storage of construction materials, portable toilets, trash containers, concrete washout pits or containers, egress points, and track out pads,

4.2.3.e. Waterbodies, wetlands, and natural buffer areas,

4.2.3.f. Locations and types of BMPs or storm water control measures for the control and/or treatment of storm water flowing onto, through, and/or offsite,

4.2.3.g. Locations of storm water inlets, storm water discharge points going offsite,

4.2.3.h. Areas that will be temporarily or permanently stabilized during the construction period.

4.2.4. *Fifty-Foot Natural Buffer*. The SWPPP must show the dimensions and placement of the 50-foot natural buffer, the substitute control measures, or a detailed explanation of why a natural buffer or substitute control measure could not be applied.

4.2.5. *Receiving Water*: The SWPPP must identify the first receiving water that the site discharges into, whether the water is impaired, and if so, what the impairment is for. Information about the receiving waters and impairments can be found at http://mapserv.utah.gov/surfacewaterquality/

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

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

4.2.8. *Training*. The permittee will ensure that each subcontractor or utility provider is aware of their responsibilities for keeping soil on the site and preventing pollution. The permittee must keep in mind that they are responsible for and may be issued fines for poor performances by their subcontractors and utility providers. Consideration will be given if the permittee can document when and what instructions were given to the subordinate party.

4.2.9. *Authorization to Discharge Documentation*. The SWPPP must contain a copy of this permit and a copy of the Authorization to Discharge Letter for the project.

4.2.10. *SWPPP Signature and Certification.* The SWPPP must be signed and certified by both the Owner and the General Contractor in accordance with 5.16.1.a.

4.2.11. *MS4 Approval of Project*. For areas where projects are within a regulated MS4's jurisdiction (see definitions in Part 6; the list of regulated MS4's is found onhttps://deq.utah.gov/water-quality/municipal-separate-storm-sewer-system-ms4s-permits-updes-permits), the SWPPP must contain the signature and date of the MS4 reviewer who has approved the proposed project for construction (see 1.7.).

4.2.12. *Availability of the SWPPP*. The SWPPP must be available at the construction site covered under this permit during onsite construction activity, unless the SWPPP is available online. If the SWPPP is available online there must be a sign (see 1.10) that describes where the SWPPP can be accessed online. The SWPPP is a plan for the site, and workers must be able to refer to the SWPPP and update it as needed to manage the site (including SWPPPs found on the internet). The SWPPP is not required to be on the site when construction workers leave for the day or when there is no activity occurring on the site, but at all times there must be posted contact information where the SWPPP can be obtained (see Part 1.10). The SWPPP must be made available within 24 hours to DWQ representatives or other oversight inspectors, e.g., U.S. Environmental Protection Agency [EPA] or a local MS4, on request, or immediately during an inspection on the site when

there are workers and activity at the site.

4.2.13. *Required Modifications of the SWPPP*. The SWPPP must be modified as follows:

4.2.13.a. During inspections when it is determined from observations of site conditions that storm water control measures are:

4.2.13.a.i. Not adequate or not shown in the SWPPP, or

4.2.13.a.ii. Changes in the SWPPP are necessary for compliance with this permit.

4.2.13.b. When an oversight authority determines that the SWPPP is not adequate based on missing a required SWPPP or permit item, not addressing pollutants properly, not being up to date and reflecting current site conditions, or not being clear, thorough, and understandable.

4.2.14. *SWPPP Modifications Deadline*. Modifications to the SWPPP from inspections or oversight authority direction must occur before or during the next weekly inspection.

5. STANDARD PERMIT CONDITIONS.

5.1. Duty to Comply.

5.1.1. The permittee must comply with all conditions of this permit. Any permit noncompliance constitutes a violation of the Utah Water Quality Act (the Act) and is grounds for enforcement action; for permit termination, revocation and reissuance, or modification; or for denial of a permit renewal application.

5.1.2. Penalties for Violations of Permit Conditions

5.1.2.a. *Violations*. The Act provides that any person who violates the Act, Utah wastewater or storm water rules, or conditions of a permit issued under the Act, is subject to a fine of up to $10,000 per day.

5.1.2.b. *Willful or Gross Negligence*. The Act provides that any person who discharges a pollutant to waters of the State as a result of criminal negligence or who intentionally discharges is criminally liable and is subject to imprisonment and a fine of up to $50,000 per day (Utah Code Annotated 19-5-115).

5.1.2.c. *False Statements*. The Act provides that any person who knowingly makes any false material statement, representation, or certification in any application, record, report, plan, or other document filed or required to be maintained under the Act, the rules, or this permit, or who knowingly falsifies, tampers with, or renders inaccurate, any monitoring device or method required to be maintained under the Act shall upon conviction, be punished by a fine of not more than $10,000 or by imprisonment for 6 months, or by both (Utah Code Annotated 19-5-115(4)).

5.2. Duty to Reapply. If a 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 except as provided in 1.6 and 1.7 of this permit.

5.3. 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.

5.4. Duty to Mitigate. The permittee shall take all reasonable steps to minimize or prevent any discharge in violation of this permit that has a reasonable likelihood of adversely affecting human health or the environment.

5.5. Duty to Provide Information. The permittee shall furnish to the Director or an authorized representative, within a reasonable time, any information that is requested to determine compliance with this permit. The permittee must also furnish to the Director or an authorized representative copies of records to be kept by this permit.

5.6. Other Information. When the permittee becomes aware that he or she failed to submit any relevant facts or submitted incorrect information in the NOI or in any other report to the Director, he or she shall promptly submit such facts or information.

5.7. 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.

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

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

5.10. Record Retention. The permittee shall retain copies of SWPPPs and all reports required by this permit, and records of all data used to complete the NOI to be covered by this permit, for a period of at least three years from the date that the permit for the site is terminated (see 3.7). This period may be extended by request of the Director at any time.

5.11. Addresses. All written correspondence under this permit shall be directed to the DWQ at the following address:

Department of Environmental Quality
Division of Water Quality
195 North 1950 West
P.O. Box 144870
Salt Lake City, Utah 84114-4870

5.12. State Laws. Nothing in this permit shall be construed to preclude the institution of any legal action or relieve the permittee from any responsibilities, liabilities, or penalties established pursuant to any applicable State law or regulation under authority preserved by Utah Code Annotated 19-5-117.

5.12.1. No condition of this permit shall release the permittee from any responsibility or requirements under other environmental statutes or regulations.

5.13. 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 SWPPPs. 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 a permittee only when necessary to achieve compliance with the condition of the permit.

5.14. Inspection and Entry. The permittee shall allow, upon presentation of credentials, the Director or an authorized representative to:

5.14.1. Enter upon the permittee's premises where a regulated facility or activity is located or conducted or where records must be kept under the conditions of this permit;

5.14.2. Have access to and copy at reasonable times, any records that must be kept under the conditions of this permit.

5.14.3. Inspect at reasonable times any facilities, equipment (including monitoring and control equipment), practices or operations regulated or required under this permit; and

5.14.4. 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.

5.15. Reopener Clause.

5.15.1. *Reopener Due to Water Quality Impacts*. If there is evidence indicating that the storm water discharges authorized by this permit cause, have the reasonable potential to cause, or contribute to a violation of a water-quality standard, the discharger may be required to obtain an individual permit or an alternative general permit in accordance with 1.7.4 of this permit or the permit may be modified to include different limitations and/or requirements.

5.15.2. *Reopener Guidelines*. Permit modification or revocation will be conducted according to Utah Administrative Code R317-8-5.6 and UAC R317-8-6.2.

5.15.3. *Permit Actions*. This permit may be modified, revoked and reissued, or terminated for cause. The filing of a request by the permittee for a permit modification revocation and reissuance, termination, a modification of planned changes or anticipated noncompliance does not stay any permit condition.

5.16. Signatory Requirements.

5.16.1. All NOIs, SWPPPs, reports, certifications or information submitted to the Director, or that this permit requires be maintained by the permittee, shall be signed as follows:

5.16.1.a. All NOIs shall be signed by either the operator or owner, and SWPPPs shall be signed by both the owner or lessee of the project/property and the general contractor.

5.16.1.b. All reports required by the permit and other information requested by the Director or by an authorized representative of 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:

5.16.1.b.i. The authorization is made in writing by a person described above and submitted to the Director; and

5.16.1.b.ii. The authorization specifies either an individual or a position having such as the position of manager, operator, superintendent, or position of equivalent responsibility or an individual or position having overall responsibility for environmental matters for the company. A duly authorized representative may therefore be either a named individual or any individual occupying a named position.

5.16.1.c. *Certification*. Any person signing documents under 5.16 shall make the

following certification:

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

5.16.2. If a document is to be signed electronically, the Division's rules regarding electronic transactions govern, if applicable.

6. DEFINITIONS

Arid Areas: Areas with an average annual rainfall of 10 inches or less.

Authorization to Discharge Letter: The receipt generated when a Notice of Intent (NOI) is successfully entered and payment is processed by DWQ. The receipt demonstrates that the permittee has coverage under the appropriate Storm Water Permit. Authorization to Discharge Letters contain the dates of the permittee's coverage under the Construction General Permit (CGP).

Common Plan of Development (or sale): A plan to subdivide a parcel of land into separate parts for separate sale. This can be for a residential, commercial, or industrial development. The plan originates as a single parcel that is separated into parts. This usually goes through an approval process by a local governmental unit, but in some cases, it may not require that process. The original plan is considered the "common plan of development or sale" whether phased or completed in steps.

Additional information related to *Common Plan of Development for Permit Purposes*:

For UPDES storm water permit purposes, a common plan must have been initiated after October, 1992. A common plan of development or sale remains so until each lot or section of the development has fulfilled its planned purposes (e.g. in a residential development as homes are completed, stabilized, and sold or occupied). As lots or separated sections of the development are completed, the lot or section is stabilized, and the plan purposes are fulfilled for that area, lot, or section, it is no longer part of the common plan of development or sale (e.g. if a home is sold in a development and the owner decides to add a garage somewhere on the lot, that garage project is not part of the common plan of development or sale.

In this process a common plan of development or sale may become reduced in size and/or separated by completed areas which are no longer part of the common plan of development or sale, but all unfinished lots remain part of the same common plan development or sale until they are completed, stabilized, and fulfilled according to the purposes of the plan.

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

Construction Waste: Discarded material such as packaging materials, scrap construction materials, masonry products, timber, steel, pipe, and electrical cuttings, plastics, and Styrofoam.

Corrective Action: For the purposes of the permit, any action taken to 1) repair, modify, or replace any storm water control used at the site; 2) clean up and dispose of spills, releases, or other deposits found on the site; and 3) remedy a permit violation.

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

Director: The director of the Division of Water Quality.

Discharge Point: For the purposes of this permit, the location where collected and concentrated storm

water flows are discharged from the construction site.

Final Stabilization: All disturbed areas must be covered by permanent structures such as pavement, concrete slab, building, etc., or for areas not covered by permanent structures but that are receiving 20 inches or more of average annual precipitation, vegetation has been established with a uniform (e.g., evenly distributed, without large bare areas) perennial vegetative cover equivalent to 70 percent of the natural background vegetative cover. In the case of areas that are not covered by permanent structures, but that are receiving less than 20 inches of average annual precipitation (arid areas, 0-10 inches; semi-arid areas, 10-20 inches), final stabilization is equivalent to the requirements of 2.6.3 of this permit, including the provisions for permanent stabilization.

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

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

1. All land within the limits of any Indian reservation under the jurisdiction of the United States Government, notwithstanding the issuance of any patent, and, including rights-of-way running through the reservation;

2. All dependent Indian communities within the borders of the United States whether within the originally or subsequently acquired territory thereof; and

3. All Indian allotments, the Indian titles to which have not been extinguished, including rights-of-ways running through the same.

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

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

Municipal Separate Storm Sewer System or MS4: A storm-sewer system owned and operated by a state, city, town, county, district, association, or other public body created by or pursuant to State law having jurisdiction over disposal of storm water that discharges to waters of the State (e.g., Sandy City owns and operates the MS4 within the jurisdiction of Sandy City, or essentially Sandy City is the MS4).

Natural Buffer: For the purposes of this permit, an area of undisturbed natural cover surrounding surface waters within which construction activities are restricted. Natural cover includes the vegetation, exposed rock, or barren ground that exists before earth-disturbing activities begin.

Oversight Authority: Oversight authorities for storm water permits are agents from the EPA, DWQ or the Municipality of jurisdiction, when they are addressing compliance of storm water permits.

Owner: For the purpose of this permit an owner has ownership of a property on which construction activity is taking place, but it also includes ownership of a project for which construction activity is

occurring on property that is leased. An owner is the party that has ultimate control over construction plans and specifications, including the ability at the highest level to make modifications to those plans and specifications. “Owner” in this context is the party that has ultimate control over the destiny of a project.

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

Pollutant-Generating Activities: At construction sites, for the purposes of this permit, those activities that lead to or could lead to the generation of pollutants, either as a result of earth-disturbance or a related support activity. Some of the types of pollutants that are typically found at construction sites are as follows:

- Sediment
- Nutrients
- Heavy metals
- Pesticides and herbicides
- Oil and grease
- Bacteria and viruses
- Trash, debris, and solids
- Treatment polymers
- Any other toxic chemicals

Pollution Prevention Measures: Storm water controls designed to reduce or eliminate the addition of pollutants to construction site discharges through analysis of pollutant sources, implementation of proper handling/disposal practices, employee education, and other actions.

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

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

Rumble Strip: A rigid ramp/track (often made of steel) that vehicles drive over that causes tires to flex and shake for the removal of dirt.

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

Stabilization: The use of vegetative and/or non-vegetative cover to prevent erosion and sediment loss in areas of disturbed soil exposed from the construction process.

Storm water: Means storm water runoff, snowmelt runoff, and surface runoff and drainage.

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

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

Storm Event: A precipitation event that results in a measurable amount of precipitation.

Track Out Pad: A track out pad is a pad normally made up of 4 to 6 inches of up to 6 inch cobble rocks or gravel of various size (the size is sometimes specified by a local MS4). Sometimes it is underlain with a fabric to keep dirt and mud separated from rock or gravel. It is wide enough to underlay the tires of any/all traffic leaving a construction site as vehicles exit the site. Its function is to flex and shake the tires to dislodge mud and dirt from the tires of vehicles leaving the construction site. Track out pads must be stirred or worked periodically so that mud or dirt collected is moved to the bottom and the rock/gravel on the pad is clean and effective dislodging more mud/dirt.

Waters of the State: All streams, lakes, ponds, marshes, watercourses, waterways, wells, springs, irrigation systems, drainage systems, and all other bodies or accumulations of water, surface and underground, natural or artificial, public or private, that are contained within, flow through, or border upon this state or any portion thereof, except that bodies of water confined to and retained within the limits of private property, and that do not develop into or constitute a nuisance, or a public health hazard, or a menace to fish and wildlife, shall not be considered to be "Waters of the State" under this definition (see Utah Code Annotated, 19-5-102(23)(a) &(b), and UAC R317-1-1).

APPENDIX G

System Maps and Inventories

Table of Contents

1. Outfall Monitoring Locations Inventory
2. Post Construction BMP Inventory
3. Active Construction Site Inventory
4. City Owned Facilities Inventory

(*Note: all relevant maps located in Park City ArcGIS Map system)*

Additional appendix information is available upon request