State/City Permits

APPENDIX F

State/City Permits

- ☐ State General Permit
- ☐ Construction General Permit
- ☐ Joint Permit
- ☐ Maintenance Agreements
- ☐ Interlocal Agreements

APPENDIX F

State/City Permits

- ☐ State General MS4 Permit
- ☐ Construction General Permit
- ☐ Common Plan of Development Permit
- ☐ Interlocal Agreements
- ☐ Maintenance Agreement Boiler Plate
- ☐ Storm Water Facility O&M Manual
- ☐ Maintenance Agreements

STATE GENERAL MS4 PERMIT

STATE OF UTAH DEPARTMENT OF ENVIRONMENTAL QUALITY
DIVISION OF WATER QUALITY

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

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

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

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

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

This Permit shall become effective on March 1, 2016.

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

Signed this 26 day of February 2016.

Walter L. Baker, P.E.
Director

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

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1.0 Coverage Under this Permit

1.1. Authority to Discharge

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

1.2. Permit Area and Eligibility

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

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

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

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

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

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

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

1.2.2. The following are types of authorized discharges:

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

1.2.2.2. *Non-storm water discharges.* The following non-storm water discharges do not need to be addressed unless the Permittee or the *Division* identifies these discharges as significant sources of pollutants to Waters of the State or as causing or contributing to a violation of water quality standards:

- Water line flushing
- Landscape irrigation
- Diverted stream flows

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

1.3. Local Agency Authority

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

1.4. Limitations on Coverage

This Permit does not authorize:

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

1.4.2. Storm water discharges associated with industrial activity as defined in *Utah Administrative Code (UAC) R317-8-3.9(6)(c).*

1.4.3. Storm water discharges associated with construction activity as defined in *UAC R317-8-3.9(6)(d)(10)* and *R317-8-3.9(6)(d)(11).*

1.4.4. Storm water discharges currently covered under another Permit.

1.4.5. Discharges that would cause or contribute to in-stream exceedances of water quality standards as contained in *UAC R317-2.*

1.4.6. Discharges of any pollutant into any Waters of the State for which a Total Maximum Daily Load (TMDL) has been approved by EPA unless the discharge is consistent with the TMDL. This consistency determination applies at the time a Notice of Intent is submitted. If conditions change after coverage is issued, the coverage may

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

2.0 Notice of Intent and Storm Water Management Program Requirements

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

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

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

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

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

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

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

2.1.7. Implementation of the Permittee's SWMP as described in the Permittee's application is required to begin within **30 days** after the completed application is submitted. The Permittee must fully develop and implement the SWMP as discussed in Part 4.0 of the Permit by the end of the Permit term unless a more restrictive timeframe is indicated.

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

2.2. Contents of the Notice of Intent

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

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

2.2.2. Name(s)/ identification of Waters of the State as defined by UAC R317-1-1.32 that receive discharges from the Permittee's MS4;

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

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

2.2.5. The SWMP document shall consist of, at a minimum, a description of the program elements that will be implemented (or already exist) for each of the SWMP minimum control measures. The plan must be detailed enough for the Division to determine the Permittee's general strategy for complying with the required items in each of the six minimum control measures in the SWMP document (see Part 4.2 of this Permit);

2.2.6. Information on the chosen Best Management Practices (BMPs) and the measurable goals for each of the storm water minimum control measures in Part 4.2 of this Permit and, as appropriate, the timeframe by which the Permittee will achieve required actions, including interim milestones;

2.2.7. Permittees which are applying as Co-Permittees shall each submit an NOI and individual SWMP document which will clearly identify the areas of the MS4 for which each of the Co-Permittees are responsible. Permittees which are relying on another entity (ies) to satisfy one or more of their Permit obligations shall include with the NOI, a summary of the Permit obligations that will be carried out by the other entity (ies). During the term of the Permit, Permittees may terminate or amend shared responsibility arrangements by notifying the *Division*, provided this does not alter implementation deadlines.

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

2.3. Storm Water Management Program Plan Description for Renewal Permittees

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

2.3.2. Renewal Permittees must submit a **revised SWMP document** to the Division within **120 days** of the effective date of this Permit, which includes at a minimum, the following information:

2.3.2.1. Permit number;

2.3.2.2. MS4 location description and map;

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

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

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

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

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

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

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

3.0 Special Conditions

3.1. Discharges to Water Quality Impaired Waters

3.1.1. Applicability: Permittees must:

3.1.1.1. Determine whether storm water discharge from any part of the MS4 contributes to a 303(d) listed (i.e., impaired) waterbody. A 303(d) list of impaired waterbodies is available at: http://www.deq.utah.gov/ProgramsServices/programs/water/wqmanagement/assessment/PreviousIR.htm. Water quality impaired waters means any segment of surface waters that has been identified by the Division as failing to support classified uses. If the Permittee has discharges meeting these criteria, the Permittee must comply with Part 3.1.2. below and if no such discharges exist, the remainder of this Part 3.1 does not apply.

3.1.1.2. If the Permittee has "303(d)" discharges described above, the Permittee must also determine whether a Total Maximum Daily Load (TMDL) has been developed by the Division and approved by EPA for the listed waterbody. If there is an approved TMDL, the Permittee must comply with all requirements associated with the TMDL as well as the requirements of Part 3.1.2. below and if no TMDL has been approved, the Permittee must comply with Part 3.1.2. below and any TMDL requirements once it has been approved.

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

3.1.3. Where a discharge is already authorized under this Permit and is later determined to cause or have the reasonable potential to cause or contribute to the violation of an applicable water quality standard, the Division will notify the Permittee of such violation(s). The Permittee must take all necessary actions to ensure future discharges do not cause or contribute to the violation of a water quality standard and document these actions as required by the Division. If violations remain or re-occur, coverage under this Permit may be terminated by the Division and an alternative General Permit or individual Permit may be issued. Compliance with this requirement does not preclude any enforcement activity as provided by the Utah Water Quality Act for the underlying violation.

3.2. Nitrogen and Phosphorus Reduction

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

3.2.1.1. The Permittee can meet the requirements of this section through contribution to a collaborative program (e.g., storm water coalitions) to evaluate, identify, target, and provide outreach that addresses sources State-wide or within a specific region or watershed.

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

3.2.1.3. The Permittee must prioritize which targeted sources are likely to obtain a reduction in nitrogen and phosphorus discharges through education. The Permittee must distribute educational materials or equivalent outreach to the prioritized targeted sources. Educational materials or equivalent outreach must describe storm water quality impacts associated with nitrogen and phosphorus in storm water runoff and illicit discharges, the behaviors of concern, and actions that the target source can take to reduce nitrogen and phosphorus. The Permittee may incorporate the education and outreach to meet this requirement into the education and outreach strategies provided in accordance with Permit Part 4.2.1.

3.3. Co-Permittees

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

3.3.2. In order to be Permitted as Co-Permittees, the MS4(s) must each submit an NOI complete with BMP measurable goals and implementation milestones. Each description of the MS4(s) Storm Water Management Program Plan(s) must clearly describe which Permittees are responsible for implementing each of the control measures.

3.3.3. Each Co-Permittee is individually liable for:

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

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

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

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

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

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

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

4.0 Storm Water Management Program

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

4.1. Requirements

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

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

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

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

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

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

4.1.3.1. The measurable goals for each of the BMPs shall include, as appropriate, the months and years in which the Permittee will undertake required actions, including interim milestones and the frequency of the actions.

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

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

4.2. Minimum Control Measures

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

4.2.1. Public Education and Outreach on Storm Water Impacts

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

4.2.1.1. Target specific pollutants and pollutant sources determined by the Permittee to be impacting, or have the potential to impact, the beneficial uses of receiving water. This includes providing information which describe the potential impacts from storm water discharges; methods for avoiding, minimizing, reducing and /or eliminating the adverse impacts of storm water discharges; and the actions individuals can take to improve water quality, including encouraging participation in local environmental stewardship activities, based on the land uses and target audiences found within the community;

4.2.1.2. Provide and document information given to the general public of the Permittee's prohibitions against and the water quality impacts associated with illicit discharges and improper disposal of waste. The Permittee must at a minimum consider the following topics. These topics are not inclusive and the Permittee must focus on those topics most relevant to the community: maintenance of septic systems; effects of outdoor activities such as lawn care (use of pesticides, herbicides, and fertilizers); benefits of on-site infiltration of storm water; effects of automotive work and car washing on water quality; proper disposal of swimming pool water; and proper management of pet waste.

4.2.1.3. Provide and document information given to institutions, industrial, and commercial facilities on an annual basis of the Permittee's prohibition against and the water quality impacts associated with illicit discharges and improper disposal of waste. The Permittee must at a minimum consider the following topics. These topics are not inclusive and the Permittee must focus on those topics most relevant to the community: proper lawn maintenance (use of pesticides, herbicides and fertilizer); benefits of appropriate on-site infiltration of storm water; building and equipment maintenance (proper management of waste water); use of salt or other deicing materials (cover/prevent runoff to storm system and contamination to ground water); proper storage of materials (emphasize pollution prevention); proper management of waste materials and dumpsters (cover and pollution prevention); and proper management of parking lot surfaces (sweeping). This education can also be a part of the Illicit Discharge Detection and Elimination measure detailed in Part 4.2.3.

4.2.1.4. Provide and document information given to engineers, construction contractors, developers, development review staff, and land use planners concerning the development of storm water pollution prevention plans (SWPPPs) and BMPs for reducing adverse impacts from storm water runoff from development sites. This education can also be a part of the Construction Site Storm Water Runoff minimum control measure detailed in Part 4.2.4.

4.2.1.5. Provide and document information and training given to employees of Permittee-owned or operated facilities concerning the Permittee's prohibition against and the water quality impacts associated with illicit discharges and improper disposal of waste. The Permittee must at a minimum consider the following topics: equipment inspection to ensure timely maintenance; proper storage of industrial materials (emphasize pollution prevention); proper management and disposal of wastes; proper management of dumpsters; minimization of use of salt and other de-icing materials (cover/prevent runoff to MS4 and ground water contamination); benefits of appropriate on-site infiltration (areas with low exposure to industrial materials such as roofs or employee parking); and proper maintenance of parking lot surfaces (sweeping).

4.2.1.6. Provide and document information and training given to MS4 engineers, development and plan review staff, land use planners, and other parties as applicable to learn about Low Impact Development (LID) practices, green infrastructure practices, and to communicate the specific requirements for post-construction control and the associated Best Management Practices (BMPs) chosen within the SWMP.

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

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

4.2.2. Public Involvement/Participation

The Permittee must implement a program that complies with applicable State and Local public notice requirements. The SWMP shall include ongoing opportunities for public involvement and participation such as advisory panels, public hearings, watershed committees, stewardship programs, environmental activities, other volunteer opportunities, or other similar activities. The Permittee should involve potentially affected stakeholder groups, which include but is not limited to, commercial and industrial businesses, trade associations, environmental groups, homeowners associations, and education organizations. The minimum performance measures are:

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

4.2.2.2. Renewal Permittees shall make the revised SWMP document available to the public for review and input within **120** days from the effective date of this Permit. New Applicants shall make the SWMP document available to the public for review and input within **180** days of receiving notification from the *Division* of the requirement for Permit coverage.

4.2.2.3. A current version of the SWMP document shall remain available for public review and input for the life of the Permit. If the Permittee maintains a website, the latest version of the SWMP document shall be posted on the website within **120 days** from the effective date of this Permit and shall clearly denote a specific contact person and phone number or email address to allow the public to review and provide input for the life of the Permit.

4.2.2.4. The Permittee must at a minimum comply with State and Local public notice requirements when implementing a public involvement/participation program.

4.2.3. Illicit Discharge Detection and Elimination (IDDE)

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

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

4.2.3.2. Effectively prohibit, through ordinance or other regulatory mechanism, non-storm water discharges to the MS4, including spills, illicit connections, illegal dumping and

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

4.2.3.2.1 The IDDE program must have adequate legal authority to detect, investigate, eliminate and enforce against non-storm water discharges, including illegal dumping, into the MS4. Adequate legal authority consists of an effective ordinance, by-law, or other regulatory mechanism. The documented IDDE program that is included in the Permittee's SWMP must include a reference or citation of the authority the Permittee will use to implement all aspects of the IDDE program.

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

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

- Areas with older infrastructure that are more likely to have illicit connections;
- Industrial, commercial, or mixed use areas;
- Areas with a history of past illicit discharges;
- Areas with a history of illegal dumping;
- Areas with onsite sewage disposal systems;
- Areas with older sewer lines or with a history of sewer overflows or cross-connections;
- Areas upstream of sensitive waterbodies; and,
- Other areas the Permittee determines to be likely to have illicit discharges.

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

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

4.2.3.3.3 Dry weather screening (See Definition 7.13) activities for the purpose of verifying outfall locations and detecting illicit discharges that discharge within the Permittee's jurisdiction to a receiving water. All outfalls shall be inspected at least once during the 5-year Permit term. Dry weather screening activities shall utilize an inspection form to document findings.

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

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

4.2.3.5. Implement standard operating procedures (SOPs) or similar type of documents for characterizing the nature of, and the potential public or environmental threat posed by, any illicit discharges found by or reported to the Permittee by the hotline or other telephone number described in 4.2.3.9. These procedures shall include detailed instructions for evaluating how the discharge shall be immediately contained and steps to be taken for containment of the discharge. Compliance with this provision will be achieved by initiating an investigation immediately upon being alerted of a potential illicit discharge.

4.2.3.5.1 When the source of a non-storm water discharge is identified and confirmed, the Permittee must record the following information in an inspection report: the date the Permittee became aware of the non-storm water discharge, the date the Permittee initiated an investigation of the discharge, the date the discharge was observed, the location of the discharge, a description of the discharge, the method of discovery, date of removal, repair, or enforcement action; date, and method of removal verification. Analytical monitoring may be necessary to aid in the identification of potential sources of an illicit discharge and to characterize the nature of the illicit discharge. The decision process for utilizing analytical monitoring must be fully documented in the inspection report.

4.2.3.6. Implement standard operating procedures (SOPs) or similar type of documents for ceasing the illicit discharge, including notification of appropriate authorities; notification of the property owner; technical assistance for removing the source of the discharge or otherwise eliminating the discharge; follow-up inspections; and escalating enforcement and legal actions if the discharge is not eliminated. Illicit discharges to the MS4 are prohibited and any such discharges violate this Permit and remain in violation until they are eliminated. Upon detection, the Permittee shall require immediate cessation of improper disposal practices upon confirmation of responsible parties in accordance with its enforceable legal authorities established pursuant to Part 4.2.3.2.1. of this Permit.

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

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

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

4.2.3.9. Permittees shall publicly list and publicize a hotline or other local telephone number for public reporting of spills and other illicit discharges. A written record shall be kept of all calls received, all follow-up actions taken, and any feedback received from public education efforts.

4.2.3.9.1 The Permittee must develop a written spill/dumping response procedure, and a flow chart for internal use, that shows the procedures for responding to public referrals of illicit discharges, the various responsible agencies and their contacts, and who would be involved in illicit discharge incidence response, even if it is a different entity other than the Permittee. The procedure and list must be incorporated as part of the IDDE program and incorporated into the Permittee's SWMP document. The list must be maintained and updated as changes occur.

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

4.2.3.11. Permittees shall at a minimum, ensure that all staff, contracted staff, or other responsible entities receives annual training in the IDDE program including identification, investigation, termination, cleanup, and reporting of illicit discharges including spills, improper disposal, and illicit connections. All Permittees shall ensure that all new hires are trained immediately upon hire and annually thereafter, at a minimum. Follow-up training shall be provided as needed to address changes in procedures, methods or staffing. The Permittee shall provide training to all field staff that as part of their normal job responsibilities might come into contact with or otherwise observe an illicit discharge or illicit connection to the MS4. The Permittee shall also train office personnel who might receive initial reports of illicit discharges. Training shall include how to identify a spill, an improper disposal, or an illicit connection to the MS4 and proper procedures for reporting the illicit discharge. Training records must be kept and shall include dates, activities or course descriptions, and names and positions of staff in attendance. The Permittee shall include a summary of such training in the annual report.

4.2.3.12. The Division reserves the right to request documentation or further study of a particular non-storm water discharge of concern, to require a reasonable basis for allowing the non-storm water discharge and excluding the discharge from the Permittee's program, and to require inclusion of the discharge in the Permittee's program, if water quality concerns cannot otherwise be reasonably satisfied.

4.2.4. Construction Site Storm Water Runoff Control

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

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

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

4.2.4.1.1 The ordinance or other regulatory mechanism shall, at a minimum, require construction operators to prepare a Storm Water Pollution Prevention Plan (SWPPP) and apply sediment and erosion control BMPs as necessary to protect water quality, reduce the discharge of pollutants, and control waste such as, but not limited to, discarded building materials, concrete truck washout, chemicals, litter and sanitary waste at the construction site that may cause adverse impacts to water quality. The SWPPP requirements must be, at a minimum, equivalent with the SWPPP requirement set forth in the most current UPDES Storm Water General Permits for Construction Activities, which can be found at: http://www.deq.utah.gov/Permits/water/updes/stormwatercon.htm.

4.2.4.1.2 Permittees shall ensure construction operators obtain and maintain coverage under the current UPDES Storm Water General Permits for Construction Activities for the duration of the project. Coverage can be obtained by completing a NOI as well as renewed online at https://secure.utah.gov/account/login.html?returnToUrl=https%3A//secure.utah.gov/stormwater/uii_authentication.

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

4.2.4.2. Develop a written enforcement strategy and implement the enforcement provisions of the ordinance or other regulatory mechanism which shall include:

4.2.4.2.1 Standard operating procedures (SOPs) or similar type of documents that include specific processes and sanctions to minimize the occurrence of, and obtain compliance from violators which shall include appropriate, escalating enforcement procedures and actions.

4.2.4.2.2 Documentation and tracking of all enforcement actions.

4.2.4.3. Develop and implement SOPs or similar type of documents for pre-construction Storm Water Pollution Prevention Plan (SWPPP) review and keep records for, at a

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

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

4.2.4.3.2 Incorporate into the SWPPP review procedures the consideration of potential water quality impacts and procedures for pre-construction review which shall include the use of a checklist.

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

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

4.2.4.4. All Permittees shall develop and implement SOPs or similar type of documents for construction site inspection and enforcement of construction storm water pollution control measures. The procedures must clearly define who is responsible for site inspections as well as who has authority to implement enforcement procedures. The Permittee must have the authority to the extent authorized by law to impose sanctions to ensure compliance with the local program. These procedures and regulatory authorities must be written and documented in the SWMP. The construction site storm water runoff control inspection program must provide:

4.2.4.4.1 Inspections of all new construction sites with a land disturbance of greater than or equal to one acre, including projects less than one acre that are part of a larger common plan of development or sale at least monthly by qualified personnel using the Construction Storm Water Inspection Form (Checklist) found on the Division's website at http://www.deq.utah.gov/Permits/water/updes/stormwatermun.htm.

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

4.2.4.4.3 Inspections by the MS4 of priority construction sites defined in Part 7.36. must be conducted at least biweekly (every two weeks) using the Construction Storm Water

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

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

4.2.4.4.5 Permittees shall publicly provide and publicize a hotline or other local telephone number for public reporting of storm water related issues on construction sites, such as tracking onto streets. Records of violations, enforcement actions and corrective actions taken shall be tracked and documented.

4.2.4.5 The Permittee must ensure that all staff whose primary job duties are related to implementing the construction storm water program, including permitting, plan review, construction site inspections, and enforcement, are annually trained to conduct these activities. The training can be conducted by the MS4 or outside training can be attended. Such training must extend to third-party inspectors and plan reviewers as well. The Permittee shall ensure that all new hires are trained upon hire and before commencing storm water related duties and annually thereafter, at a minimum. Follow-up training shall be provided as needed to address changes in procedures, methods or staffing. The training records to be kept include dates, activities or course descriptions, and names and positions of staff in attendance.

4.2.4.6. All Permittees shall implement a procedure to maintain records of all projects disturbing greater than or equal to one acre, including projects less than one acre that are part of a larger common plan of development or sale. Permittees shall keep records which include but are not limited to, site plan reviews, SWPPPs, inspections and enforcement actions including verbal warnings, stop work orders, warning letters, notices of violation, and other enforcement records. Permittees shall keep records of these projects for five years or until construction is completed, whichever is longer.

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

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

The minimum performance measures are:

4.2.5.1. Develop and adopt an ordinance or other regulatory mechanism that requires long-term post-construction storm water controls at new development and redevelopment sites. The ordinance or other regulatory mechanism shall apply, at a minimum, to new development and redevelopment sites that discharge to the MS4 and that disturb greater than or equal to one acre, including projects less than one acre that are part of a larger common plan of development or sale. Existing local requirements to apply storm water controls at smaller sites shall be retained. The ordinance or other regulatory mechanism shall require BMP selection, design, installation, operation and maintenance standards necessary to protect water quality and reduce the discharge of pollutants to the MS4.

4.2.5.2. Implement an enforcement strategy and implement the enforcement provisions of the ordinance or other regulatory mechanism. Procedures for enforcement of BMPs include:

4.2.5.2.1 Procedures that include specific processes and sanctions to minimize the occurrence of, and obtain compliance from, chronic and recalcitrant violators which shall include appropriate, escalating enforcement procedures and actions.

4.2.5.2.2 Documentation on how the requirements of the ordinance or other regulatory mechanism will protect water quality and reduce the discharge of pollutants to the MS4. Documentation shall include:

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

4.2.5.3. The Permittee's new development/redevelopment program must have requirements or standards to ensure that any storm water controls or management practices for new development and redevelopment will prevent or minimize impacts to water quality. BMPs must be selected that address pollutants known to be discharged or anticipated to be discharged from the site.

4.2.5.3.1 The Permittee's new development/redevelopment program shall include non-structural BMPs such as requirements and standards to minimize development in areas susceptible to erosion and sediment loss; to minimize the disturbance of native soils and vegetation; to preserve areas in the municipality that provide important water quality benefits; to implement measures for flood control; and to protect the integrity of natural resources and sensitive areas.

4.2.5.3.2 For new development or redevelopment projects that disturb greater than or equal to one acre, including projects less than one acre that are part of a larger common plan of development or sale, the program shall include a process which requires the evaluation of a Low Impact Development (LID) approach which encourages the implementation of BMPs that infiltrate, evapotranspire or harvest and use storm water from the site to protect water quality. Structural controls may include green infrastructure practices such as rainwater harvesting, rain gardens, permeable

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

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

4.2.5.3.3 The Permittee must develop a plan to retrofit existing developed sites that are adversely impacting water quality. The retrofit plan must be developed to emphasize controls that infiltrate, evapotranspire or harvest and use storm water discharges. The plan must include a ranking of control measures to determine those best suited for retrofitting as well as those that could later be considered for retrofitting. The Permittee must include the following when developing the criteria for the retrofit plan:

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

4.2.5.3.4 Each Permittee shall develop and define specific hydrologic method or methods for calculating runoff volumes and flow rates to ensure consistent sizing of structural BMPs in their jurisdiction and to facilitate plan review. Within **180 days** from the effective date of this Permit, new development or redevelopment projects that disturb greater than or equal to one acre, including projects less than one acre that are part of a larger common plan of development or sale must manage rainfall on-site, and prevent the off-site discharge of the precipitation from all rainfall events less than or equal to the 90th percentile rainfall event. This objective must be accomplished by the use of practices that are designed, constructed, and maintained to infiltrate, evapotranspire and/or harvest and reuse rainwater. The 90th percentile rainfall event is the event whose precipitation total is greater than or equal to 90 percent of all storm events over a given period of record. If meeting this retention standard is technically infeasible, a rationale shall be provided on a case by case basis for the use of alternative design criteria. The project must document and quantify that infiltration, evapotranspiration and rainwater harvesting have been used to the maximum extent technically feasible and that full employment of these control are infeasible due to site constraints.

4.2.5.4. All Permittees shall adopt and implement procedures for site plan review which evaluate water quality impacts. The procedures shall apply through the life of the project from conceptual design to project closeout. Prior to construction, Permittees shall:

4.2.5.4.1 Review post-construction plans for, at a minimum, all new development and redevelopment sites that disturb greater than or equal to one acre, including projects less than one acre that are part of a larger common plan of development or sale, to ensure that the plans include long-term storm water management measures that meet the requirements of this minimum control measure.

4.2.5.4.2 Permittees shall provide developers and contractors with preferred design specifications to more effectively treat storm water for different development types such as industrial parks, commercial strip malls, retail gasoline outlets, restaurants, parking lots, automotive service facilities, street and road construction, and projects located in, adjacent to, or discharging to environmentally sensitive areas.

4.2.5.4.3 Permittees shall keep a representative copy of information that is provided to design professionals; and if information is distributed to a large number of design professionals at once, the dates of the mailings and lists of recipients.

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

4.2.5.5.1 The ordinance or other regulatory mechanism shall include provisions for post-construction access for Permittees to inspect storm water control measures on private properties that discharge to the MS4 to ensure that adequate maintenance is being performed. The ordinance or other regulatory mechanism may, in lieu of requiring that the Permittee's staff inspect and maintain storm water controls on private property, instead require private property owner/operators or qualified third parties to conduct maintenance and provide annual certification that adequate maintenance has been performed and the structural controls are operating as designed to protect water quality. In this case, the Permittee must require a maintenance agreement addressing maintenance requirements for any control measures installed on site. The agreement must allow the Permittee to conduct oversight inspections of the storm water control measures and also account for transfer of responsibility in leases and/or deeds. The agreement must also allow the Permittee to perform necessary maintenance or corrective actions neglected by the property owner/operator, and bill or recoup costs from the property owner/operator as needed.

4.2.5.5.2 Permanent structural BMPs shall be inspected at least once during installation by qualified personnel. Upon completion, the Permittee must verify that long-term BMPs were constructed as designed.

4.2.5.5.3 Inspections and any necessary maintenance must be conducted annually by either the Permittee or through a maintenance agreement, the property owner/operator. On sites where the property owner/operator is conducting maintenance, the Permittee shall inspect those storm water control measures at least once every five years, or more frequently as determined by the Permittee to verify and ensure that adequate maintenance is being performed. The Permittee must document its findings in an inspection report which includes the following:

- Inspection date;
- Name and signature of inspector;

- Project location;
- Current ownership information;
- A description of the condition of the storm water control measure including the quality of: vegetation and soils; inlet and outlet channels and structures; catch basins; spillways; weirs, and other control structures; and sediment and debris accumulation in storage as well as in and around inlet and outlet structures; and,
- Specific maintenance issues or violations found that need to be corrected by the property owner or operator along with deadlines and reinspection dates.

4.2.5.6. Permittees shall ensure that all staff involved in post-construction storm water management, planning and review, and inspections and enforcement receive adequate training on an annual basis. Training shall be provided or made available for staff in the fundamentals of long-term storm water management through the use of structural and non-structural control methods. The training records to be kept include dates, activities or course descriptions, and names and positions of staff in attendance. The Permittee shall ensure that all new hires are trained upon hire and before commencing storm water related duties and annually thereafter, at a minimum. Follow-up training shall be provided as needed to address changes in procedures, methods or staffing.

4.2.5.7. The Permittee must maintain an inventory of all post-construction structural storm water control measures installed and implemented at new development and redeveloped sites that disturb greater than or equal to one acre, including projects less than one acre that are part of a larger common plan of development or sale. This inventory shall include both public and private sector sites located within the Permittee's service area.

4.2.5.7.1 Each entry to the inventory must include basic information on each project, such as project's name, owner's name and contact information, location, start/end date, etc. In addition, inventory entries must include the following for each project:

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

4.2.5.7.2 Based on inspections conducted pursuant to Part 4.2.5.5., the Permittee must update the inventory as appropriate where changes occur in property ownership or the specific control measures implemented at the site.

4.2.6. Pollution Prevention and Good Housekeeping for Municipal Operations

All Permittees shall implement a program for Permittee-owned or operated facilities, operations and structural storm water controls that includes standard operating procedures (SOPs), pollution prevention BMPs, storm water pollution prevention plans or similar type of documents, and a training component that have the ultimate goal of preventing or reducing the runoff of pollutants to the MS4 and Waters of the State. All components of the program shall be included in the SWMP document and must identify the department (and where appropriate, the specific staff) responsible for performing each activity described in this section. The Permittee must develop an inventory of all such Permittee-owned or operated facilities. The Permittee must review this inventory annually and update as necessary. The minimum performance measures are:

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

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

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

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

4.2.6.3. Based on the assessment required in Part 4.2.6.2., the Permittee must identify as "high-priority" those facilities or operations that have a high potential to generate storm water pollutants. Among the factors that must be considered in giving a facility a high priority ranking is the amount of urban pollutants stored at the site, the identification of improperly stored materials, activities that must be performed outside (e.g., changing automotive fluids), proximity to waterbodies, poor housekeeping practices, and discharge of pollutant(s) of concern to impaired water(s).

4.2.6.4. Within **180 days** from the effective date of this Permit, the Permittee shall develop and implement a Storm Water Pollution Prevention Plan (SWPPP) or similar type document for each "high-priority" Permittee-owned or operated facility. The SWPPP shall identify potential sources of pollution that may reasonably be expected to affect the quality of storm water discharges associated with activity from the facility. The SWPPP shall describe and ensure the implementation of standard operating practices (SOPs) that are to be used to reduce the pollutants in storm water discharges associated with activity at the facility and to ensure compliance with the terms and conditions of this Permit. This document shall be tailored and retained at all "high priority" facility locations. The SWPPP shall include a site map showing the following information:

- Property boundaries;
- Buildings and impervious surfaces;
- Directions of storm water flow (use arrows);
- Locations of structural control measures;
- Location and name of the nearest defined drainage(s) which could receive runoff from the facility, whether it contains water or not;
- Locations of all storm water conveyances including ditches, pipes, basins, inlets, and swales;
- Locations where the following activities are exposed to storm water:
  - -Fixed fueling operations;
  - -Vehicle and equipment maintenance and/or cleaning areas;
  - -Brine making areas;
  - -Loading/unloading areas;
  - -Waste storage or disposal areas;
  - -Liquid storage tanks;
  - -Process and equipment operating areas;
  - -Materials storage or disposal areas;
- Locations where significant spills or leaks have occurred;
- Locations of all visual storm water monitoring points;
- Locations of storm water inlets and outfalls, with a unique identification code for each outfall and an approximate outline of the areas draining to each outfall;

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

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

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

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

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

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

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

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

4.2.6.6.2 Material storage areas, heavy equipment storage areas and maintenance areas. Permittees shall develop and implement SOPs to protect water quality at each of these facilities owned or operated by the Permittee.

4.2.6.6.3 Parks and open space. SOPs shall address, but are not limited to: the proper application, storage, and disposal of fertilizer, pesticides, and herbicides including minimizing the use of these products and using only in accordance with manufacturer's instructions; sediment and erosion control; evaluation of lawn maintenance and landscaping activities to ensure practices are protective of water quality such as, proper disposal of lawn clippings and vegetation, and use of alternative landscaping materials such as drought tolerant plants. The SOPs must address the management of trash containers at parks and other open spaces which include scheduled cleanings and establishing a sufficient number of containers, and for placing signage in areas concerning the proper disposal of pet wastes. The SOPs must also address the proper cleaning of maintenance equipment, building exterior, trash containers and the disposal of the associated waste and wastewater. Permittees shall implement park and open space maintenance pollution prevention/good housekeeping practices at all park areas, and other open spaces owned or operated by the Permittee.

4.2.6.6.4 Vehicle and Equipment. SOPs shall address, but are not limited to: vehicle maintenance and repair activities that occur on Permittee-owned or operated vehicles. BMPs should include using drip pans and absorbents under or around leaky vehicles and equipment or storing indoors where feasible. Fueling areas for Permittee-owned or operated vehicles and equipment shall be evaluated. If possible, place fueling areas under cover in order to minimize exposure. The O & M program shall include SOPs to ensure that vehicle wash waters are not discharged to the MS4 or Waters of the State. This Permit strictly prohibits such discharges.

4.2.6.6.5 Roads, highways, and parking lots. SOPs shall address, but are not limited to: SOPs and schedule for sweeping streets and Permittee-owned or operated parking lots and any other BMPs designed to reduce road and parking lot debris and other pollutants from entering the MS4; road and parking lot maintenance, including pothole repair, pavement marking, sealing and repaving; cold weather operations, including plowing, sanding, and application of deicing compounds and maintenance of snow disposal areas; right-of-way maintenance, including mowing, herbicide and pesticide application; and municipally-sponsored events such as large outdoor festivals, parades or street fairs. The Permittee must ensure that areas used for snow disposal will not result in discharges to receiving waters.

4.2.6.6.6 Storm water collection and conveyance system. SOPs shall address, but are not limited to: SOPs and schedules for the regular inspection, cleaning, and repair of catch basins, storm water conveyance pipes, ditches and irrigation canals, culverts, structural storm water controls, and structural runoff treatment and/or flow control facilities. Permittees shall implement catch basin cleaning, storm water system maintenance, scheduled structural BMP inspections and maintenance, and pollution prevention/good housekeeping practices. Permittees shall prioritize storm sewer system maintenance, with the highest priority areas being maintained at the greatest

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

4.2.6.6.7. Other facilities and operations Permittees shall identify any facilities and operations not listed above that would reasonably be expected to discharge contaminated runoff, and develop, implement, and document the appropriate BMPs and SWPPP to protect water quality from discharges from these sites.

4.2.6.7. If a Permittee contracts with a third-party to conduct municipal maintenance or allows private developments to conduct their own maintenance, the contractor shall be held to the same standards as the Permittee. This expectation must be defined in contracts between the Permittee and its contractors or the contractors of private developments. The Permittee shall be responsible for ensuring, through contractually-required documentation or periodic site visits that contractors are using appropriate storm water controls and following the standard operating procedures, storm water control measures, and good housekeeping practices of the Permittee.

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

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

4.2.6.9. Public construction projects shall comply with the requirements applied to private projects. All construction projects disturbing greater than or equal to one acre, including projects less than one acre that are part of a larger common plan of development or sale, owned or operated by the Permittee are required to be covered under the General UPDES Permits for Storm Water Discharges Associated with Construction Activities.

4.2.6.10. The Permittee shall ensure that all employees, contracted staff, and other responsible entities that have primary construction, operation, or maintenance job functions that

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

4.3. Sharing Responsibility

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

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

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

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

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

4.4. Reviewing and Updating Storm Water Management Programs

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

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

4.4.2.1. Changes adding (but not subtracting or replacing) components, controls, or requirements to the SWMP document may be made at any time upon written notification to the Division.

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

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

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

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

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

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

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

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

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

4.4.5.3. Include such other conditions deemed necessary by the Division to comply with the goals and requirements of the Clean Water Act.

5.0 Narrative Standard, Monitoring, Recordkeeping and Reporting

5.1. Narrative Standard

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

5.2. Analytical Monitoring

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

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

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

5.2.3. In the event that the MS4 elects to conduct analytical monitoring as part of its Storm Water Management Program, the Permittee is required to comply with Part 6.18. of this Permit.

5.3. Non-analytical Monitoring

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

5.4. Record keeping

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

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

5.4.3. The *Division* may at any time make a written determination that parts or all of the supplementary documents are not in compliance with this Permit, wherein the Permittee must make modifications to these parts within a time frame specified by the *Division*.

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

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

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

5.5. Reporting

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

5.5.2. The report must be submitted using the report form provided on the *Division's* website at http://www.deq.utah.gov/Permits/water/updes/stormwatermun.htm.

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

5.5.4. Signed copies of the Annual Report and all other reports required herein, shall be submitted to:

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

6.0 Standard Permit Conditions

6.1. Duty to Comply

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

6.2. Penalties for Violations of Permit Conditions

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

6.3. Duty to Reapply

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

6.4. Need to Halt or Reduce Activity not a Defense

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

6.5. Duty to Mitigate

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

6.6. Duty to Provide Information

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

6.7. Other Information

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

6.8. Signatory Requirements

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

6.8.1. All Permit applications shall be signed by either a principal executive officer or ranking elected official.

6.8.2. All reports required by the Permit and other information requested by the Division shall be signed by a person described above or by a duly authorized representative of that person. A person is a duly authorized representative only if:

6.8.2.1. The authorization is made in writing by a person described above and submitted to the Division, and,

6.8.2.2. The authorization specifies either an individual or a position having responsibility for the overall operation of the regulated facility, such as the position of plant manager, superintendent, position of equivalent responsibility, or an individual or position having overall responsibility for environmental matters. A duly authorized representative may thus be either a named individual or any individual occupying a named position.

6.8.2.3. Changes to authorization. If an authorization under *Part 6.8.2.* is no longer accurate because a different individual or position has responsibility for the overall operation of the facility, a new authorization satisfying the requirements of *Part 6.8.2.* must be submitted to the Division prior to or together with any reports, information, or applications to be signed by an authorized representative.

6.8.3. *Certification.* Any person signing documents under this Part shall make the following certification:

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

6.9 Availability of Reports

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

6.10. Penalties for Falsification of Reports

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

6.11. Penalties for Tampering

The *Act* provides that any person who falsifies, tampers with, or knowingly renders inaccurate, any monitoring device or method required to be maintained under this Permit shall, upon conviction, be punished by a fine of not more than $10,000 per violation, or by imprisonment for not more than six months per violation, or by both.

6.12. Oil and Hazardous Substance Liability

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

6.13. Property Rights

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

6.14. Severability

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

6.15. Requiring a Different Permit

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

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

6.16. State/Federal Laws

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

6.17. Proper Operation and Maintenance

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

6.18. Monitoring and Records

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

6.18.2. The Permittee shall retain records of all monitoring information including all calibration and maintenance records and all original strip chart recordings for continuous monitoring instrumentation, copies of the reports required by this Permit, and records of all data used to complete the application for this Permit, for a period of at least five years from the date of the sample, measurement, report or application. This period may be extended by request of the *Division* at any time.

6.18.3. Records of monitoring information shall include:

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

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

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

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

6.18.3.5 The analytical techniques or methods used; and

6.18.3.6 The results of such analyses.

6.19. Monitoring Procedures

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

6.20. Inspection and Entry

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

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

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

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

6.20.4. Sample or monitor at reasonable times, for the purposes of assuring Permit compliance or as otherwise authorized by law, any substances or parameters at any location.

6.21. Permit Actions

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

6.22. Storm Water-Reopener Provision

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

7.0 Definitions

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

7.1. "40 CFR" refers to Title 40 of the Code of Federal Regulations, which is the codification of the general and permanent rules published in the Federal Register by the executive departments and agencies of the Federal government.

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

7.3. "Analytical monitoring" refers to monitoring of waterbodies (streams, ponds, lakes, etc.) or of storm water, according to UAC R317-2-10 and 40 CFR 136 "Guidelines Establishing Test Procedures for the Analysis of Pollutants," or to State or Federally established protocols for biomonitoring or stream bioassessments.

7.4. "Beneficial Uses" means uses of the Waters of the State, which include but are not limited to: domestic, agricultural, industrial, recreational, and other legitimate beneficial uses.

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

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

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

7.8. "Control Measure" refers to any Best Management Practice or other method used to prevent or reduce the discharge of pollutants to Waters of the State.

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

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

7.11. "Division" means the Utah Division of Water Quality.

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

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

7.14. "Escalating enforcement procedures" refers to a variety of enforcement actions in order to apply as necessary for the severity of the violation and/or the recalcitrance of the violator.

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

7.16. "EPA" means the United States Environmental Protection Agency.

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

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

7.19. "High quality waters" means any water, where, for a particular pollutant or pollutant parameter, the water quality exceeds that quality necessary to support the existing or designated uses, or which supports an exceptional use.

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

7.21. "Illicit discharge" means any discharge to a municipal separate storm sewer that is not composed entirely of storm water except discharges pursuant to a UPDES Permit (other than the UPDES Permit for discharges from the municipal separate storm sewer) and discharges resulting from emergency firefighting activities.

7.22. "Impaired waters" means any segment of surface waters that has been identified by the Division as failing to support classified uses. The Division periodically compiles a list of such waters known as the 303(d) List.

7.23. "Indian Country" is defined as in 40 CFR §122.2 to mean:

7.23.1. All land within the limits of any Indian reservation under the jurisdiction of the United States Government, notwithstanding the issuance of any patent, and, including rights-of-way running through the reservation;

7.23.2. All dependent Indian communities within the borders of the United States whether within the originally or subsequently acquired territory thereof, and whether within or without the limits of a state; and

7.23.3. All Indian allotments, the Indian titles to which have not been extinguished, including right-of-ways running through the same.

7.24. "Large MS4" *Large municipal separate storm sewer system* means all municipal separate storm sewers that are located in an incorporated place with a population of 250,000 or more as determined by the current Decennial Census by the Bureau of the Census.

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

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

7.27. "Maximum Extent Practicable" (MEP) is the technology-based discharge standard for Municipal Separate Storm Sewer Systems established by paragraph 402(p)(3)(B)(iii) of the Federal Clean Water Act (CWA), which reads as follows: "Permits for discharges from municipal storm sewers shall require controls to reduce the discharge of pollutants to the maximum extent practicable, including management practices, control techniques, and system, design, and engineering methods, and other such provisions as the Administrator or the State determines appropriate for the control of such pollutants."

7.28. "Medium MS4" *Medium municipal separate storm sewer system* means all municipal separate storm sewers that are located in an incorporated place with a population of 100,000 or more but less than 250,000, as determined by the1990 Decennial Census by the Bureau of the Census

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

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

7.30.1. that is owned or operated by a state, city, town, county, district, association, or other public body (created by or pursuant to State Law) having jurisdiction over disposal of wastes, storm water, or other wastes, including special districts under State Law such as a sewer district, flood control district or drainage district, or similar entity, or a designated and approved management agency under section 208 of the CWA that discharges to Waters of the State;

7.30.2. that is designed or used for collecting or conveying storm water;

7.30.3. which is not a combined sewer; and

7.30.4. which is not part of a Publicly Owned Treatment Works (POTW) as defined in 40 CFR 122.2.

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

7.32. "Non-analytical monitoring" refers to monitoring for pollutants by means other than UAC R317-2-10 and 40 CFR 136, such as visually or by qualitative tools that provide comparative or rough estimates.

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

7.34. "Outfall" means a point source as defined by UAC R317-8-1.5(34) at the point where a municipal separate storm sewer discharges to Waters of the State and does not include open conveyances connecting two municipal separate storm sewers, or pipes, tunnels or other conveyances which connect segments of the same stream or other Waters of the State and are used to convey waters of the State.

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

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

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

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

7.39. "SWMP" is an acronym for storm water management program. The SWMP document is the written plan that is used to describe the various control measures and activities the Permittee will undertake to implement the storm water management plan.

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

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

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

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

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

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

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

7.45. "Urbanized area" is a land area comprising one or more places and the adjacent densely settled surrounding area that together have a residential population of at least 50,000 and an overall population density of at least 1,000 people per square mile.

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

CONSTRUCTION GENERAL PERMIT

FILE COPY

STATE OF UTAH
DEPARTMENT OF ENVIRONMENTAL QUALITY
DIVISION OF WATER QUALITY
Utah Pollutant Discharge Elimination System (UPDES)
General Permit for 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 Annotated 2004, as amended (the "Act") and the federal Water Pollution Control Act (33 U.S.c. §§ 1251 et. seq., as amended by the Water Quality Act of 1987, P.L. 100-4), and the rules and Regulations made pursuant to those statutes. This permit authorizes "owners/operators" of construction activities (defined in Part 1.1.1 and Appendix A) 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 Appendix A) until "final stabilization" (see Part 2.2.4).

This permit becomes effective on July1, 2014.

This permit and the authorization to discharge expire at midnight on June 30, 2019.

Signed this 11 day of June, 2014

Walter L. Baker, P.E.
Director

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1. HOW TO OBTAIN PERMIT COVERAGE UNDER THE UTAH CGP.

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

Discharges referred to in this permit are discharges that are typical to construction activity, as described in the following section, that outfall to a surface water in the State of Utah. Typical discharges associated with construction activity present a risk of contaminants for soil, sediment, silt, including soil nutrients (phosphorus and possibly nitrogen), and including chemical pollutants (chemicals in the construction process, and/or oils/grease/fuels). The focus of the EPA and DWQ for the most part is risk of pollution to surface waters.

Construction activity that presents risks of fuel and other normal quantities and types of construction chemicals present a risk of pollution of surface and groundwaters.

Construction activity that presents risks of quantities and types of chemicals that are not normal to typical construction activity may need to pursue permit coverage under an individual UPDES permit.

If storm water is contained on the site (coupled with a rational containment plan with calculations to back it up) no permit is necessary because there will be no discharge from the site, excluding those sites that present a risk to groundwater as said above.

1.1. ELIGIBILITY CONDITIONS REQUIRED OF ALL PROJECTS.

Only those parties and projects that meet all of the following eligibility conditions may be covered under this permit:

1.1.1. Parties that must sign the NOI are the parties shown below that are involved with construction activity on a construction project.

a. Owner: The party that owns/leases the land on which the construction activities occur and has ultimate control over the project and the destiny of a project. The owner has control over construction plans and specifications, including the ability to make modifications at the highest level, to those plans and specifications.

b. Operator: The party (usually the general contractor) that 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).

Note: In the case of land development there may be sub-projects (such as construction of a house in a residential development) associated with the main project. In the case that the parcel of land for the subordinate project is sold to another owner, it must be covered under a separate permit and cannot be covered under the same permit for the development. If the developer is the owner of the development and owner of houses being built in the development (this would be for a house(s) built for speculation unless the prospective owner of the house has not secured ownership yet), the house building may continue to be covered under the original development permit provided the SWPPP for the main project covers the details concerning the activities of the subordinate project.

Note: *Only one NOI permit application can provide coverage for one area under one owner and one operator. If a development gets to the point where lots are sold and another party(ies) takes over control and ownership on sub-project(s) in the development, a new permit must cover the area for the new owner. The developer's original permit can no longer cover that area and the original owner/developer must submit a partial NOT for the area that is sold.*

c. **Operators must provide information, coordination, and/or contract obligations** so that all parties involved in the project perform by SWPPP (see Part 7.) and permit requirements.

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 that will ultimately disturb 1 or more acres of land; or

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

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 area **cannot**;

a. **already have coverage under** the UPDES CGP or an individual storm water permit for construction activity; or

Note: There can be another UPDES wastewater permit for wastewater generated at the site in a discharge separate from the storm water discharge, and/or other industrial storm water permit coverage for industrial storm water discharged at the site. There cannot be double coverage under this CGP for the same area for construction activity.

b. **be in the process of having coverage** under a different UPDES permit for a storm water (from construction activities) discharge denied, terminated, or revoked.[1,2]

1.1.5. *Endangered Species Act (ESA)*: This permit does not diminish from or alter in any way a permittees responsibility under the ESA. It is the permittees responsibility to comply with the ESA as it pertains to your project's construction activities. There are no requirements in this permit concerning the ESA.

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[1] Parts 1.1.4.a. and 1.1.4.b. do not include sites currently covered under UTR100000 or UTR300000, which are in the process of obtaining coverage under this permit, and sites covered under this permit which are transferring coverage to a different operator.

[2] Notwithstanding a project being made ineligible for coverage under this permit because it falls under the description of Parts 1.1.4.a or 1.1.4.b, above, DWQ may waive the applicable requirement after specific review if it determines that coverage under this permit is appropriate.

1.1.6. *National Historic Preservation Act (NHPA)*:
The permit does not diminish from or alter in any way a permittees responsibility under the NHPA. It is the permittees responsibility to comply with the NHPA as it pertains to your project's construction activities. There are no requirements in this permit concerning the NHPA.

1.2. **ELIGIBILITY CONDITIONS THAT APPLY DEPENDING ON TYPE OF PROJECT.** The following conditions (Parts 1.2.1 through 1.2.4), if applicable, must also be satisfied in order to obtain coverage under this permit.

1.2.1. **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 essential 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:

i. the nature of the emergency work performed,

ii. a description of earth disturbances that occurred,

iii. the proximity of the work to waters of the US, and what was done (if anything) to protect water quality during the emergency work, and

iv. 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 documentation in your SWPPP to substantiate the occurrence of the public emergency (see 7.2.3.).

1.2.2. **Water Quality Standards – Eligibility for New Sources**. If you are a "new source" (as defined in Appendix A), 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 such a determination is made, DWQ may notify you that an individual permit application is necessary in accordance with Part 1.4.5. However, your coverage under this permit will be acceptable if you have included appropriate controls and implementation procedures designed to bring your discharge into compliance with water quality standards. 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 cause, have the reasonable potential to cause, or contribute to an excursion above any applicable water quality standard.

1.2.3. **Discharging to Waters with High Water Quality – Eligibility for New Sources.** If you are a "new source" (as defined in Appendix A), 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. 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 3.3.2, will result in discharges that will not lower the water quality of the applicable water. Please refer to Appendix C or look up your receiving waters for water quality information at http://wq.deq.utah.gov/.

Note: *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.*

1.2.4. **Use of Cationic Treatment Chemicals**. If you plan to use cationic treatment chemicals (as defined in Appendix A), you are ineligible for coverage under this permit, unless you notify DWQ in advance and DWQ authorizes coverage under this permit (in writing) after you have included appropriate controls and implementation procedures designed to ensure that your use of cationic treatment chemicals will not lead to an impairment of the natural life cycle of any aquatic organism downstream.

1.3. **TYPES OF 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:

1.3.1. **Storm water discharges**, including storm water runoff, snowmelt runoff, and surface 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.;

1.3.2. Storm water **discharges designated** by DWQ as needing a permit under UAC R317-8-3.9(1)(a)5 or UAC R317-8-3.9(6)(e)2;

1.3.3. 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.

1.3.4. **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. Routine external building washdown that does not use detergents, or that have received chemicals to alter pH;

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;

i. Uncontaminated air conditioning or compressor condensate;

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

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

1.3.5. Discharges of storm water listed above in Parts 1.3.1, 1.3.2, and 1.3.3, or authorized non-storm water discharges in Part 1.3.4 above, commingled with a discharge authorized by a different UPDES permit and/or a discharge that does not require UPDES permit authorization.

a. Construction dewatering must be permitted under UTG070000 (Construction Dewatering and Hydrostatic Test Permit), and the MS4 (of jurisdiction) notified of the discharge. It does not need to be permitted under UTG070000 if the construction dewatering does not leave the site (it is percolated into the ground at some place on the project site),

1.4. **SUBMITTING YOUR NOTICE OF INTENT (NOI) AND PERMIT FEE.**
Except for permittees with existing permit coverage (permittees with existing coverage from a CGP that was issued earlier and that has now expired just prior to the issuance of

this permit, who are automatically covered under this permit see 1.4.3.), to be covered under this permit, you must submit to DWQ a complete and accurate NOI and the permit fee prior to commencing construction activity. The permit fee is a yearly fee. To remain covered under the permit the permit fee must be submitted again once every year on the yearly anniversary of the submission date of the NOI along with a permit fee until the project is completed.

The NOI certifies to DWQ that you are eligible for coverage according to Part 1.1 and 1.2, and provides information about your construction operation and discharge.

There is one exception to the requirement. It is for an emergency-related project. For this type of project, the NOI must be submitted within 30 calendar days after the commencement of earth disturbing activities (see Part 1.2.1).

In every case a **Storm Water Pollution Prevention Plan (SWPPP)** consistent with Part 7 **must be completed prior to submitting your NOI** for coverage under this permit. Failure to develop a SWPPP and or have a sufficient SWPPP on site can result in fines and or work stoppages.

All NOI applications and project storm water compliance plans must be coordinated with storm water regulated MS4s (municipalities with storm water jurisdiction that are regulated with a municipal storm water permit, see the list of regulated MS4s in Appendix E). MS4s that are regulated under a municipal storm water permit are required to oversee construction activity on disturbances over an acre (or less than an acre if part of a common plan of development that is over an acre) within their jurisdiction. Utah DWQ directly reviews and inspects permittees in all other areas of Utah (except "Indian country").

1.4.1. **How to Submit Your NOI**. NOIs must be entered on DEQ's electronic NOI and storm water system. This can be done on **https://secure.utah.gov/stormwater.** If you do not have access to the internet or are having continual problems with the use of the NOI (CGP permit application) system, contact the DWQ Office at 801-536-4300, and submit a hard copy of the NOI form which can be found on the DWQ construction storm water web site (http://www.waterquality.utah.gov/UPDES/stormwatercon.htm -- see footnote 3 next page). DWQ advises that at some point you create an account for the on-line storm water permit data base so that you can track your permit and have the options to renew and/or terminate your permit (actions that should be done on-line).

1.4.2. **Start and End of Permit Coverage and Deadlines**. Except for projects initiated for emergency situations (for which either the NOI requirement is waived or the NOI must be submitted within 30-days after the commencement of soil disturbing activities, see paragraph 1.2.1), the construction storm water permit must be obtained before soil disturbing activities can begin on a construction site. This permit will officially cover construction activity on a project site immediately after the NOI has been successfully entered into the storm water data base,[3] and the

[3] All storm water NOIs are electronically entered into the SW data base. The vast majority are entered electronically by permittees in the on-line application process. For cases where a permittee is not able to electronically enter an NOI the permittee must submitted a paper form of the NOI to DWQ where it will be entered electronically by DWQ staff.

permit fee is paid. Coverage will remain active contingent on all of the following conditions:

a. The permittee purposely terminates the permit:

   i. a notice of termination (NOT) is submitted electronically (preferably) or in paper form to DWQ.

   ii. where the permitted site is within a regulated MS4 jurisdiction (see Appendix E) the permittee must contact the local MS4 to inform that the project is completed and request a final inspection,

Note: *Termination of the project is not complete without approval through a final inspection.*

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 it is assumed at this point that coverages will automatically transfer to a succeeding permit, but if not the permittee will have to apply for continued 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. in the case, if or when all storm water discharges for the site are permitted under a different general or individual UPDES permit. For which case this permit is terminated on the day the other permit coverage begins.

1.4.3. **Exception to NOI Deadline for "Existing Permits".** Existing permits are construction activities with soil disturbances which require coverage under a UPDES construction storm water permit, and which projects had active and legitimate coverage under UTR300000 at the time of expiration of that general permit, or that received coverage before this permit was issued. Existing projects are automatically "covered" under this permit. The same permit tracking number given under UPDES general storm water permit UTR300000 will continue to identify permit coverage for an existing project under this permit. **Existing projects have <u>6 months</u>** from the issuance date of this permit to update site storm water controls and the site SWPPP to meet requirements in this permit.

1.4.4. **Continuation of Coverage for 'Existing Permits' After this Permit Expires.** If this permit is not reissued or replaced by the expiration date of the general permit, it will be administratively extended by the Director and remain in force and effect until issuance of a comparable CGP replacement. 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; or

c. the issuance of an individual permit or denial of coverage (see part 1.4.5 below) for the project's discharges; or

d. A final permit decision by DWQ not to reissue a general permit, at which time DWQ will identify a reasonable time period for covered dischargers to seek coverage under an alternative general permit or an individual permit. Coverage under this permit will terminate at the end of this time period.

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 or procedures to which you may be subject.

1.4.5. **Procedures for Denial of Coverage**. Following your 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 you 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.** You must post a sign or other notice conspicuously at a safe, publicly accessible location in close proximity to the project site. At a minimum, the notice must include the UPDES Permit tracking number and an operator contact name (or designee) and phone number and/or email address for obtaining additional UPDES permit, SWPPP, and/or project information. The notice must be located so that it is visible from a public access point that is nearest to the active part of the construction site, and it must use a font large enough to be readily viewed from a public right-of-way. The posted contact number must have a person available for response during business hours. An inquiry made to the posted email address must receive a response within 24-hours week days.

2. EFFLUENT LIMITATIONS APPLICABLE TO ALL DISCHARGES FROM CONSTRUCTION SITES (including support activities).

Note: *If your project is an "existing project" (see Part 1.4.3) or if you are a "new owner/operator of an existing project" (see Part 1.4.3), and it is infeasible for you to comply with a specific requirement in this Part because (1) the requirement was not part of the permit you were previously covered under (i.e., the 2003 or 2008 CGP), you are required to document this fact in your SWPPP and are waived from complying with that requirement. This flexibility applies only to the requirements in Parts 2.1, and 2.3.3 through 2.3.5 (except for Parts 2.3.3.a, 2.3.3.b.ii, 2.3.3.c.iii.1), and 2.3.3.d). This only applies to those portions of your site that have already commenced earth-disturbing activities or where storm water controls implemented in compliance with the previous permit have already been installed.*

This section includes the following types of requirements:

- Erosion and Sediment Control Requirements (Part 2.1)
- Stabilization Requirements (Part 2.2)
- Pollution Prevention Requirements (Part 2.3)

2.1. EROSION AND SEDIMENT CONTROL REQUIREMENTS.

Erosion and sediment controls must be designed, installed, and maintained to minimize the discharge of pollutants from earth-disturbing activities.

2.1.1. General Requirements Applicable to All Construction Sites.

a. **Area of Disturbance**. You are required to minimize the amount of disturbed and exposed soil during construction activities.

b. **Design Requirements**.

Note: *Although many aspects of developing a SWPPP do not require a P.E., there are significant portions or items required in the development of a SWPPP that makes it to where many if not all SWPPPs must include a P.E.in its development. It is not required for a P.E. to stamp the entire SWPPP because operators must have the flexibility to modify a SWPPP. There may be facilities in a SWPPP that need to be stamped and would require a review and to be re-stamped by a P.E. again if modifications occur. For the most part SWPPPs should be designed so that operators have the flexibility to make modifications and updates in the field as is necessary so that improvements can be made for the protection of disturbed soils and the quality of storm water runoff if SWPPP plans prove to be ineffective, or if the conditions at the site turn out to be different than expected. A P.E. knows what is not safe without a stamp.*

i. Storm water controls must be installed to handle what is estimated as normally expected for the area including seasonal considerations. Considerations include storm water run-on and run-off, flow from impervious surfaces, slopes, infiltration potential, and site drainage features.

ii. For temporary/permanent sediment basins and channelized flows design must consider the following factors for storm water controls.

1) expected frequency, intensity, and duration of precipitation;

2) peak flowrates and total storm water volume to minimize downstream channel and streambank erosion in the immediate vicinity of the discharge points; and

3) the range of soil particle sizes expected to be present on the site.

iii. The permittee must **preserve naturally vegetated areas where possible** and if feasible use these areas to maximize infiltration and to reduce pollutant discharges. The use of velocity dissipation devices may be necessary to prevent erosion.

c. **Installation Requirements.**

i. Unless infeasible **storm water controls must be installed before commencing each phase of earth-disturbance** (e.g., buffers or equivalent sediment controls, perimeter controls, exit point controls, storm drain inlet protection) that control discharges from the initial site clearing, grading, and excavating.

Note: *Where it is infeasible to install storm water controls prior to the beginning of earth disturbing activities such controls must be installed immediately following the initial earth disturbance.*

ii. All **storm water controls must be installed in accordance with good engineering and construction practices and manufacturer's specifications** including applicable design specifications.

Note: *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, good construction practices and must be explained in your SWPPP.*

d. **Maintenance Requirements.**

i. All erosion and sediment controls required in this Part must remain in effective operating condition during permit coverage and be protected from activities that would reduce their effectiveness.

ii. All erosion and sediment controls must be inspected in accordance with the applicable requirements in Part 4.1, For problems discovered during inspections replacement, repairs, or maintenance must be done immediately following the inspection or in a timely manner as identified in the SWPPP. The permittee must maintain all preserved vegetation, erosion and sediment control measures and other protective measures identified in the SWPPP in effective operating condition for all precipitation events, or before if required by DWQ or MS4 oversight inspectors. . If maintenance prior to the next anticipated storm event is impracticable, maintenance must be scheduled and accomplished as soon as practicable.

iii. Maintenance needs identified by means other than inspections shall be accomplished before the next anticipated storm event, or as necessary to

maintain the continued effectiveness of storm water controls. A description of procedures to ensure the timely maintenance of these measures shall be identified in the SWPPP.

2.1.2. **Erosion and Sediment Control Requirements Applicable to All Sites.**

a. **Natural Buffers or Equivalent Sediment Controls.** (These requirements only apply when a surface water is located within 50 feet of your project's earth disturbances, and in the case of intermittent waters, only to surface waters that have visible water flowing or that typically flow continuously more than two months out of the year).

Note: *Areas that you do not own or that are otherwise outside your operational control may be considered areas of undisturbed natural buffer for purposes of compliance with this part.*

You must ensure that any discharges to surface waters through the area between the disturbed portions of the property and any surface waters located within 50 feet of your site are treated by an area of undisturbed natural buffer and/or additional erosion and sediment controls in order to achieve a reduction in sediment load equivalent to that achieved by a 50-foot natural buffer. Refer to Appendix D (Buffer Guidance) for information to assist you in complying with this requirement, and to Part 2.1.2.a.v. for exceptions to this requirement.

i. **Compliance Alternatives**. You can comply with this requirement in one of the following ways:

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

Note: *If your earth disturbances are located 50 feet or further from a surface water, then you have complied with this alternative.*

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

3) If it is infeasible to provide and maintain an undisturbed natural buffer of any size, you must implement erosion and sediment controls that achieve the sediment load reduction equivalent to a 50-foot undisturbed natural buffer (see Appendix D).

Note: *For the compliance alternatives in Parts 2.1.2.a.i.1) and 2.1.2.a.i.2), you are not required to enhance the quality of the vegetation that already exists in the buffer, or provide vegetation if none exists (e.g., arid and semi-arid areas). You only need to retain and protect from disturbance the natural buffer that existed prior to the commencement of construction. Any preexisting structures or impervious surfaces are allowed in the natural buffer provided you retain and protect from disturbance the natural buffer area outside the preexisting disturbance. Similarly, for alternatives 2.1.2.a.i.2) and 2.1.2.a.i.3), you are required to implement and maintain sediment controls that achieve the sediment load reduction equivalent to the undisturbed natural buffer*

that existed on the site prior to the commencement of construction. In determining equivalent sediment load reductions, you may consider naturally non-vegetated areas and prior disturbances. See Appendix D for a discussion of how to determine equivalent reductions.

You must document the compliance alternative you have selected in your SWPPP, and comply with the applicable additional requirements described in Parts 2.1.2.a.ii. below.

The compliance alternative selected above must be maintained throughout the duration of permit coverage, unless you select a different compliance alternative during your period of permit coverage, in which case you must modify your SWPPP to reflect this change.

ii. **Additional Requirements for the Compliance Alternatives in Parts 2.1.2.a.i.1) and 2.1.2.a.i.2).** If you choose either of the compliance alternatives in Parts 2.1.2.a.i.1) or 2.1.2.a.i.2) above, throughout your period of coverage under this permit, you must comply with the following additional requirements:

1) Where there is a concentrated storm water discharge leaving the site's disturbed area and crossing the natural buffer area (whether the buffer area is a full 50 feet (2.1.2.a.i.1) or less than 50 feet with additional BMPs (2.1.2.a.i.2)), the concentrated flow must have treatment or BMPs to minimize sediment transport, found in the area generating the flow and not just as it crosses the buffer area. Additionally, velocity dissipation devices must be used where erosion is caused by the flow as it crosses the buffer area;

2) Document in your SWPPP the natural buffer width retained on the property, and show the buffer boundary on your site plan; and;

3) Delineate, and clearly mark off, with flags, tape, or other similar marking device all natural buffer areas.

iii. **Additional Requirements for the Compliance Alternatives in Parts 2.1.2.a.i.2) and 2.1.2.a.i.3).** For compliance alternatives in Parts 2.1.2.a.i.2) and 2.1.2.a.i.3), you must document in your SWPPP 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. **Additional Requirement for the Compliance Alternative in Part 2.1.2.a.i.3).** For compliance alternative in Part 2.1.2.a.i.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.

v. **Exceptions.**

1) If there is no discharge of storm water to surface waters through the area between your site and any surface waters located within 50 feet of your site, you are not required to comply with the requirements in this Part.

This includes situations where you have implemented control measures such as a berm or other barrier that will prevent such discharges.

2) 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 this Part, unless you will remove portions of the preexisting development.

   Where some natural buffer exists but portions of the area within 50 feet of the surface water are occupied by preexisting development disturbances, you are required to comply with the requirements in this Part. For the purposes of calculating the sediment load reduction for either Part 2.1.2.a.i.2) or 2.1.2.a.i.3) above, you are not expected to compensate for the reduction in buffer function from the area covered by these preexisting disturbances. See Appendix D for further information about compliance alternatives in Part 2.1.2.a.i.2) or 2.1.2.a.i.3) above.

   If during your project, you will disturb any portion of these preexisting disturbances, the area disturbed will be deducted from the area treated as natural buffer.

3) For "linear construction projects" (see Appendix A for a definition), you are not required to comply with the requirements in this Part if site constraints (e.g., limited right-of-way) prevent you from meeting any of the compliance alternatives in Part 2.1.2.a.i, provided that, to the extent practicable, you limit disturbances within 50 feet of the surface water and/or you provide supplemental erosion and sediment controls to treat storm water discharges from earth disturbances within 50 feet of the surface water. You must also document in your SWPPP your rationale as to why it is infeasible for you to comply with the requirements in Part 2.1.2.a.i, and describe any buffer width retained and/or supplemental erosion and sediment controls installed.

4) 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 common plan of development or sale that will ultimately disturb greater than or equal to 1 acre), you have the option of complying with the requirements in Appendix D, Part D.2.3.

5) The following disturbances within 50 feet of a surface water are exempt from the requirements in this Part:

   - Construction approved under a CWA Section 404 permit; or
   - Construction of a water-dependent structure or water access area (e.g., pier, boat ramp, trail).

   You must document in your SWPPP if any of the above disturbances will occur within the buffer area on your site.

b. **Perimeter Controls**.

i. **Installation Requirements**: You must install sediment controls along those perimeter areas of your site that will receive storm water from areas where earth disturbing activities are occuring[4] **For linear projects** with rights-of-way that restrict or prevent the use of such perimeter controls, you must maximize the use of these controls where practicable and document in your SWPPP why it is impracticable in other areas of the project.

ii. **Maintenance Requirements**: You must remove sediment before it has accumulated to the point where storm water controls becomes ineffective. Often that is one-half of the above-ground height of any perimeter control. The permittee must follow maintenance specifications for the BMP used.

c. **Sediment Track-Out**. You must minimize the track-out of sediment onto off-site streets, other paved areas, and sidewalks from vehicles exiting your construction site. To comply with this requirement, you must:

i. Restrict vehicle use to properly designated exit points;

ii. Use appropriate stabilization techniques[5] at all points that exit onto paved roads so that sediment removal occurs prior to vehicle exit;

iii. Where necessary, use additional controls[6] to remove sediment from vehicle tires prior to exit; and

iv. Where sediment has been tracked-out from your site onto the surface of off-site streets, other paved areas, and sidewalks, you must remove deposited sediment before it accumulates significantly and is tracked beyond the immediate vicinity of the project (that may be several times a day or once a week, whatever is required to control off site tracking). You must 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 surface water.

Note: *DWQ recognizes that some fine grains may remain visible on the surfaces of off-site streets, other paved areas, and sidewalks even after you have implemented sediment removal practices. Such "staining" is not a violation of Part 2.1.2.c.*

d. **Control Discharges from Stockpiled Sediment or Soil**. For any stockpiles or land clearing debris composed, in whole or in part, of sediment or soil

[4] Examples of perimeter controls include, but are not limited to, natural buffer zones (on the site or off); vegetative filter strips; silt fences; filter berms such as staked or weighted straw wattles, other wattles (sand, gravel, or those that are of a proprietary design); and temporary diversion dikes.

[5] Examples of appropriate stabilization techniques include the use of aggregate stone with an underlying geotextile or non-woven filter fabric, or turf mats.

[6] Examples of additional controls to remove sediment from vehicle tires include, but are not limited to, wheel washing, rumble strips, and rattle plates.

Note: *For the purposes of this permit, sediment or soil stockpiles are defined as the storage for multiple days of soil or other sediment material to be used in the construction project. If a sediment or soil pile is used within a short period of time (e.g., a day or three days especially during dry days), it does not fall under the requirements of this part.*

You must comply with the following requirements:

i. Stockpiles must be located outside of any natural buffers established under Part 2.1.2.a.i and physically separated from other storm water controls (such as perimeter controls or inlet protection) implemented in accordance with Part 2.1, but must be contained within the BMP protected area of the site;

ii. Protect from contact with storm water (including run-on) using a temporary perimeter sediment barrier;[7]

iii. Where practicable, provide cover or appropriate temporary stabilization to avoid direct contact with precipitation or to minimize sediment discharge;

Note: *For 2.1.2.d.iii. the objective is to minimize sediment discharge, the best BMP is to cover the pile; the second best BMP is to stabilize the surface of the pile, the third best is to set filter berms, silt fence, or equivalent around the bottom of the pile, maybe there should be 2 of the 3 suggested BMPs applied. The degree of effort must be commensurate to the risk of sediment loss that could affect water quality.*

iv. Do not hose down or sweep soil or sediment accumulated on pavement or other impervious surfaces into any storm water conveyance, storm drain inlet, or surface water; and

v. Where practicable, contain and securely protect from wind.

e. **Minimize Dust**. In order to avoid pollutants from being discharged into surface waters you must minimize the generation of dust through the appropriate application of water or other dust suppression techniques (as required in your air quality permit for those that are required to have air quality permits).

i. Minimize the Disturbance of Steep Slopes. You must minimize the disturbance of "steep slopes" (see definition in Appendix A).

Note: *The permit does not prevent or prohibit disturbance on steep slopes. For some projects, disturbance on steep slopes may be necessary for construction (e.g., a road cut in mountainous terrain). If a disturbance to steep slopes is required for the project, DWQ would recognize that it is not economically achievable to avoid the disturbance to steep slopes. However, in cases where steep slope disturbances are required, minimizing the disturbances to steep slopes consistent with this requirement can be accomplished through the implementation of a number of standard erosion and sediment control practices, such as by phasing disturbances to these areas and using stabilization practices designed to be used on steep grades.*

f. **Preserve Topsoil**. You must preserve native topsoil on your site, unless infeasible. Preserving topsoil is not required where the intended function of a

[7]Examples include berms, dikes, fiber rolls, silt fences, sandbag, gravel bags, or straw bale.

specific area of the site dictates that the topsoil be removed, and/or that the finished surface will be stabilized by a means other than re-vegetation.

Note: *Some projects may be designed to be highly impervious after construction, and therefore little or no vegetation is intended to remain. In these cases, preserving topsoil at the site would not be feasible. Some sites may not have space to stockpile topsoil on site for later use, in which case, it may also not be feasible to preserve topsoil.*

Note: *Stockpiling of topsoil at off-site locations, or transfer of topsoil to other locations, is an example of a practice that is consistent with the requirements in this Part.*

g. **Minimize Soil Compaction.** In areas of your site where final vegetative stabilization will occur or where infiltration practices will be installed, you must either (minimizing soil compaction is not required where the intended function of the specific area of the site dictates that it be compacted):

   i. **Restrict vehicle / equipment use.** Restrict vehicle and equipment use in these locations to avoid soil compaction (except for equipment used for seeding or cat tracking); or

   ii. **Use soil conditioning techniques.** Prior to seeding or planting areas of exposed soil that have been compacted, use techniques that loosen or condition the soils to support vegetative growth, if necessary and feasible.

h. **Protect Storm Drain Inlets.** If you discharge to any storm drain inlet that carries storm water flow from disturbed areas of your site directly to a surface water, and you have authority to access the storm drain inlet, you must:

   i. **Installation Requirements.** Install inlet protection measures[8] that remove sediment from your discharge prior to entry into the storm drain inlet.

Note: *Inlet protection measures can be removed in the event of flood conditions or to prevent erosion.*

   ii. **Maintenance Requirements.** Clean, or remove and replace, storm water protection measures as sediment accumulates, the filter becomes clogged, and/or performance is compromised. Inlet protection measures should be maintained in effective working conditions at all times, but particular attention must be given to prepare inlets for a forecasted precipitation event.

i. **Areas of High Altitude/Heavy Snow Conditions.** You must attempt to prepare for the heavy snows by deploying storm water controls prior to the first heavy snow, and have appropriate storm water control measures designed to handle snow melt before heavy snows occur. Dates when snow is expected should be noted in the SWPPP and updated as construction commences into the snow season. Stabilization measures should be deployed at the same time (see Section 2.2.1.c.).

[8] Examples of inlet protection measures include fabric filters, sandbags, gravel with filter fabric and concrete block barriers, weighted fiber rolls, wattles of filter fabric filled with sand/gravel, and proprietary devices designed for inlet protection.

2.1.3. **Requirements Applicable Only to Sites Using These Specific Storm Water Controls**. You are required to comply with the following requirements if you will install any of the following storm water controls at your site:

a. **Constructed Storm Water Conveyance Channels.** Design storm water conveyance channels to avoid unstabilized areas on the site and to reduce erosion, unless infeasible. Minimize erosion of channels and their embankments, outlets, adjacent streambanks, slopes, and downstream waters during discharge conditions through the use of erosion controls and velocity dissipation devices[9] within and along the length of any constructed storm water conveyance channel, and at any outlet to provide a non-erosive flow velocity.

b. **Sediment Basins**. If you install a sediment basin , you must comply with the following:

i. **Design requirements**:

1) Provide storage for either (1) the calculated volume of runoff from a 2-year, 24-hour storm (see Appendix F), or (2) 3,600 cubic feet per acre drained;

2) When discharging from the sediment basin, utilize outlet structures that withdraw water from the surface in order to minimize the discharge of sediment and floatable pollutants, unless infeasible; (taking water from the top is warmer, so in a case where you have a TMDL or water sensitive to temperature it would be better to take it from the middle)

Note: *DWQ believes that the circumstances in which it is infeasible to design outlet structures in this manner are rare. Exceptions may include areas with extended cold weather, where surface outlets may not be feasible during certain time periods (although it is expected that they would be used during other periods). If you have determined that it is infeasible to meet this requirement, you must provide documentation in your SWPPP to support your determination.*

3) Prevent erosion of (1) the sediment basin using stabilization controls (e.g., erosion control blankets), and (2) the inlet and outlet using erosion controls and velocity dissipation devices; and

4) Sediment basins must be situated outside of surface waters and any natural buffers established under Part 2.1.2.a.i, and must be designed to avoid collecting water from wetlands.

ii. **Maintenance requirements**. Keep basins in effective operating condition and remove accumulated sediment when the basin reaches ½ of the design capacity of the sediment basin.

[9]Examples of velocity dissipation devices include check dams, sediment traps, riprap, or grouted riprap at outlets. Although piped slope drains and geotextile reinforced channels do not control velocity they prevent erosion on slopes.

c. **Use of Treatment Chemicals**. If you plan to use cationic polymers and/or flocculants you must have an approval letter from DWQ. Otherwise you must comply with the following minimum requirements:

i. **Use conventional erosion and sediment controls prior to and after the application of treatment chemicals**. Use conventional erosion and sediment controls prior to chemical addition to ensure effective treatment. Chemicals may only be applied where treated storm water is directed to a sediment control (e.g., sediment basin, perimeter control) prior to discharge.

ii. **Select appropriate treatment chemicals**. Chemicals must be selected that are appropriately suited to the types of soils likely to be exposed during construction and discharged to locations where chemicals will be applied, and to the expected turbidity, pH, and flow rate of storm water flowing into the chemical treatment system or area. If you cannot ensure the appropriate dosage, DWQ will not approve the chemical use.

iii. **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 covered area or having a spill kit available on site).

iv. **Comply with local requirements**. Comply with relevant local requirements affecting the use of treatment chemicals.

v. **Use chemicals in accordance with good engineering practices and specifications of the chemical provider/supplier**. You must also 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 specific departures from these practices or specifications and how they reflect good engineering practice.

vi. **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.

vii. **Comply with additional requirements for the approved use of cationic chemicals**. If you have been authorized to use cationic chemicals at your site pursuant to Part 1.2.4, and the authorization is conditioned on your compliance with additional requirements necessary to ensure that the use of such chemicals will not impair the life cycle of aquatic organisms downstream.

viii. **Provide proper SWPPP documentation**. You must include documentation in your SWPPP consistent with Parts 7.2.5.h. and 7.2.9.b. on the specific

chemicals and chemical treatment systems you will use, and how you will comply with the requirements in this Part.

d. **Dewatering Practices.** You are prohibited from discharging ground water (or any water, even storm water, see note), that is extracted from excavations, trenches, foundations, vaults, or other similar points of accumulation, unless such waters are covered by the Utah UPDES permit for Construction Dewatering/Hydrostatic Testing. No additional permit is required if the water extracted is allowed to percolate back into the ground or that is otherwise managed where it does not have a surface discharge from the site.

Note: *Water that is present at construction sites, whether it is ground water, storm water, or from where ever, if it is heavily soiled from contact with construction activity it must be covered under the Construction Dewatering/Hydrostatic Testing permit with a total suspended solids limit if it is to be discharged.*

2.2. **STABILIZATION REQUIREMENTS.**

You are required to stabilize exposed portions of your site for all areas with an annual precipitation of over 20 inches in accordance with the requirements of this Part. This Part also includes stabilization and/or other requirements for areas with 20 inches of rainfall per year or less.

Note: *For the purposes of this permit, "exposed portions of your site" means areas of exposed soil that are required to be stabilized. Note that DWQ does not expect that temporary or permanent stabilization measures be applied to areas that are intended to be left unvegetated or unstabilized following construction (e.g., dirt access roads, utility pole pads, areas being used for storage of vehicles, equipment, or materials). However, areas constructed for these kinds of uses should have a finished surface conditioned with placement of a sufficient layer of soil similar to road base (or another kind of structural type soil/gravel layer that is resistant to erosion), and no top soil or organic material, and with compaction (unless gravel is used) to minimize the potential for erosion.*

2.2.1. **Deadlines for Initiating and Completing Stabilization for areas receiving an annual precipitation of more than 20 inches a year.**

a. **Deadline to Initiate Stabilization.** You must initiate soil stabilization measures within 14 days of whenever earth-disturbing activities have permanently or temporarily ceased on any portion of the site.

Note: *Earth-disturbing activities have permanently ceased when clearing and excavation within any area of your construction site that will not include permanent structures has been completed.*

Note: *For the purposes of this permit, DWQ will consider any of the following types of activities to constitute the initiation of stabilization:*

1. *prepping the soil for vegetative or non-vegetative stabilization;*
2. *applying mulch or other non-vegetative product to the exposed area;*
3. *seeding or planting the exposed area;*
4. *starting any of the activities in # 1 to # 3 on a portion of the area to be stabilized, but not on the entire area; and*
5. *finalizing arrangements to have a stabilization product fully installed in compliance with the applicable deadline for completing stabilization in Parts*

2.2.1.b.ii. This list of examples is not exhaustive.

b. **Deadline to Complete Stabilization Activities**. Within 14 calendar days after the initiation of soil stabilization measures consistent with Part 2.2.1.a[10], you are required to have completed:

i. For vegetative stabilization, all activities[11] necessary to initially seed or plant the area to be stabilized; and/or
ii. For non-vegetative stabilization, the installation or application of all such non-vegetative measures.

Note: *During the days (14 days before initiating the process of stabilization) that the permittee has to determine if a section of the project must be temporarily or permanently stabilized, there must be perimeter controls around the area to prevent sediment transport off the site until surface stabilization is in place.*

c. **Stabilization Requirements for High Altitudes and Areas Receiving Heavy Snow**. You must attempt to prepare for the heavy snows by deploying stabilization measures on all disturbed areas prior to the first heavy snow, and have appropriate stabilization measures designed to handle snow melt before heavy snows occur. Dates when snow is expected should be noted in the SWPPP and updated as construction commences into the snow season. Stabilization measures should be deployed at the same time as other runoff controls in anticipation of snow (see Section 2.1.2.i.).

2.2.2. **Stabilization and/or other requirements for areas receiving an annual precipitation of 20 inches of rainfall a year or less (arid and semi-arid areas), drought areas, and areas with seasonally dry periods**.

a. Within 14 calendar days of a temporary or permanent cessation of work in any portion of your site you must initiate installation of one of the following or equivalent. The intensity of the application must be commensurate with the conditions at the site (e.g. soil type, steepness of slopes, weather patterns and seasons, proximity to water body.). The goal is to arrest all sediment transport to within the boundaries of the site up to storms with intensities of ½ inch/hour or greater. The permittee must explain the strategy for stabilization in the SWPPP, and times when higher or lower intense BMPs will be placed and why:

i. Preparation for seeding and seeding or planting (which should be during a wetter season or with irrigation),

Note: *It would be good in arid and semi-arid areas to plan the installation of any irrigation system early in construction sequence so that seeding and planting efforts will be effective.*

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[10] DWQ may determine, based on an inspection carried out under Part 4.2 and corrective actions required under Part 5.3, that the level of sediment discharge on the site makes it necessary to require a faster schedule for completing stabilization. For instance, if sediment discharges from an area of exposed soil that is required to be stabilized are compromising the performance of existing storm water controls, DWQ may require stabilization to correct this problem.

[11] For example, such activities might include, but are not limited to, soil conditioning, application of seed or sod, planting of seedlings or other vegetation, application of fertilizer, and, as deemed appropriate, watering.

Note: *The lists found in 2.2.2.a.ii, iii, iv, and v. is a guideline. It is not necessary to deploy exactly as prescribed, but whatever is deployed must be effective at minimizing erosion and sediment transport from the site.*

ii. For steeper slopes – geotextile blankets staked as necessary with or without seeding (possibly with mulch under the blanket), fiber rolls staked on the contours every 10 ' (or less) apart with mulch applied to the surface between,

iii. Shallower slopes (15% or less):

1) Cat tracking over straw mulch (moist),

2) surface roughening in loose soil or cat tracking (depending on soil, mulch may have to be applied) with fiber rolls staked not more than 15 feet apart on the contours, on very shallow slopes and less distance apart for steeper slopes, (add mulch on steep end),

3) mulch, hydromulch, possibly with seed, with tackifier if needed,

iv. Flat areas:

1) At minimum, loosened soil, surface roughening with larger depression areas (surface roughening should provide many small depressions to collect storm water) to collect storm water, and with peripheral controls. The surface must be reworked if the soil becomes hardened or compacted.

v. Storm water conveyances:

1) piped slope drains, check dams, rip-rap, geotextile channel protection, or other velocity control and channel protection for all storm water conveyance must be deployed on a slope .

b. Within 14 calendar days after the initiation of seeding/ planting, or for application of control measure to initiate surface stabilization on inactive areas of the site, you must complete all activities necessary to initially seed/plant, stabilize, or control the area to protect from sediment transport[12].

2.2.3. **Deadlines for sites discharging to sensitive waters**. For any portion of the site that discharges to a sediment or nutrient-impaired water (see Part 3.2) or to a water that is identified as Category 1 or 2 for antidegradation purposes (see Part 3.3), you are required to complete the stabilization activities specified in Parts 2.2.1. and/or 2.2.2.

[12] Seed germination in the arid and semi-arid areas of Utah generally occurs in spring. Germination can occur in early fall if a wet season (if the "monsoons" come – a weather pattern that brings moist air from the southwest late summer into fall). Late fall is a good time to plant for spring germination. Germination timing is dictated by altitude, latitude, and often by dryer or wetter weather patterns. The application of seed qualifies as stabilization, however to be effective, seeding (hence stabilization) should be delayed until the spring or fall, or where irrigation can be provided.

within 7 calendar days after the temporary or permanent cessation of earth-disturbing activities.

2.2.4. **Criteria for Stabilization**. To be considered adequately stabilized, you must meet the criteria below depending on the type of cover you are using, either vegetative or non-vegetative.

Note: *Stabilization requirements are more difficult the more arid the area. Re-vegetation from seed in arid areas can take more than 3 years to fully develop. This permit allows termination in arid areas even if final stabilization as defined in Appendix A is not met. The terms to do this are spelled out in 2.2.4.a.ii.*

a. **Vegetative Stabilization.**

Note: *Vegetative stabilization measures for all areas, but especially in arid and semi-arid areas, is very important. Practices such as preservation of topsoil, and the use of compatible indigenous fill/borrow material pays off. Good vegetative management such as preserving existing vegetation, protecting natural buffers, and minimizing grading will prove valuable when attempting to stabilize and terminate the site and it will leave a better product.*

i. For all sites, except those located in arid and semi-arid areas (areas with 20 inches or less of precipitation) or on agricultural lands.

1) If you are vegetatively stabilizing any exposed portion of your site through the use of seed or planted vegetation, you must provide established uniform vegetation (e.g., evenly distributed without large bare areas), which provides 70 percent or more of the vegetative cover that was provided by vegetation prior to commencing earth-disturbing activities. You should avoid the use of invasive species;

2) For final stabilization, vegetative cover must be perennial; and

3) Immediately after seeding or planting the area to be vegetatively stabilized, to the extent necessary to prevent erosion on the seeded or planted area, you must select, design, and install non-vegetative erosion controls that provide cover (e.g., mulch, rolled erosion control products) to the area while vegetation is becoming established. Surface roughening or cat tracking perpendicular to the slope may also be used as a non-vegetative measure that can be used with seeding, but must be monitored because it may be susceptible to erosion during heavier storm events.

ii. For sites located in arid and semi-arid areas (20 inches of precipitation or less), or drought-stricken areas, as these terms are defined in Appendix A, you are considered to have completed final stabilization if both of the following criteria are met:

1) You must attempt to reestablish a vegetative cover using topsoil (topsoil preserved from the site and/or with additional (preferably local) topsoil from offsite), mulch, fertilizer, and/or other methods with seeding and planting to establish a perennial vegetative cover (preferably of an

indigenous seed mix) equivalent to the natural background cover, by design, so that permanent stabilization is expected occur by 3 to 3 and a half years after the project is completed with average precipitation; and

2) In addition to seeding or planting the area to be vegetatively stabilized, you must have non-vegetative erosion controls designed and installed either for permanent placement or temporary placement (of which degradation and decomposition is expected to be complete leaving no litter) that provide cover or BMP controls that are selected and designed purposely for protecting the seed and surface from erosion as much as is possible without active maintenance until the natural stabilizing effect of vegetation is established.

iii. For sites located on land used for agriculture. Disturbed areas on land used for agricultural purposes (e.g., pipelines across crop or range land, staging areas for highway construction) that are restored to their preconstruction agricultural use are not subject to these final stabilization criteria. Areas disturbed that were not previously used for agricultural activities, and areas that are not being returned to preconstruction agricultural use, must meet the conditions for stabilization in this Part.

b. **Non-Vegetative Stabilization.** If you are using non-vegetative controls to stabilize exposed portions of your site, or if you are using such controls to temporarily protect areas that are being vegetatively stabilized, you must provide effective non-vegetative cover[13] to stabilize any such exposed portions of your site.

2.3. **POLLUTION PREVENTION REQUIREMENTS.**
You are required to design, install, and maintain effective pollution prevention measures in order to prevent the discharge of pollutants. Consistent with this requirement, you must:

• Eliminate certain pollutant discharges from your site (see Part 2.3.1);
• Properly maintain all pollution prevention controls (see Part 2.3.2); and
• Comply with pollution prevention standards for pollutant-generating activities that occur at your site (see Part 2.3.3).

These requirements apply to all areas of your construction site and any and all support activities covered by this permit consistent with Part 1.3.3.

2.3.1. **Prohibited Discharges.** You are prohibited from discharging the following from your construction site (this list is not a comprehensive list of prohibited discharges but are listed to clarify that although they are common practices on construction sites they are unacceptable to have in a discharge):

a. Wastewater from washout of concrete, (see Part 2.3.2.d);

[13] For temporary stabilization, examples of temporary non-vegetative stabilization methods include, but are not limited to, hydromulch, straw mulch that is crimped in by cat-tracking or netted and staked, and erosion control blankets. For final stabilization, examples of permanent nonvegetative stabilization methods include, but are not limited to, riprap, gravel, gabions, and geotextiles.

b. Wastewater from washout and cleanout of stucco, paint, form release oils, curing compounds and other construction materials, (see Part 2.3.1.d);

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

d. Soaps, solvents, or detergents used in vehicle and equipment washing; and

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

2.3.2. **General Maintenance Requirements**.

a. You must ensure that all pollution prevention controls installed in accordance with this Part remain in effective operating condition and are protected from activities that would reduce their effectiveness. You must inspect all pollutant-generating activities and pollution prevention controls in accordance with your inspection frequency requirements in Parts 4.1.2 or 3.2.2.a. to avoid situations that may result in leaks, spills, and other releases of pollutants in storm water discharges to receiving waters, and must document your findings in accordance with Part 4.1.7. If you find that controls need to be replaced, repaired, or maintained, you must make the necessary repairs or modifications in accordance with the following:

i. Initiate work to fix the problem immediately after discovering the problem, and complete such work by the close of the next work day, if the problem does not require significant repair or replacement, or if the problem can be corrected through routine maintenance.

ii. When installation of a new pollution prevention control or a significant repair is needed, you must install the new or modified control and make it operational, or complete the repair, by no later than 7 calendar days from the time of discovery, or as directed by the DWQ, MS4, or EPA oversight inspector. If it is infeasible to complete the installation or repair within 7 calendar days, you must document in your records why it is infeasible to complete the installation or repair within the 7 calendar day timeframe and document your schedule for installing the storm water control(s) and making it operational as soon as practicable after the 7 calendar day timeframe. Where these actions result in changes to any of the pollution prevention controls or procedures documented in your SWPPP, you must modify your SWPPP accordingly within 7 calendar days of completing this work.

2.3.3. **Pollution Prevention Standards**. You are required to comply with the pollution prevention standards in this Part if you conduct any of the following activities at your site or at any construction support activity areas covered by this permit (see Part 1.3.3):

- Fueling and maintenance of equipment or vehicles;
- Washing of equipment and vehicles;
- Storage, handling, and disposal of construction materials, products, and wastes; and
- Washing of applicators and containers used for paint, concrete, or other materials.

The pollution prevention standards are as follows:

a. **Fueling and Maintenance of Equipment or Vehicles.** If you conduct fueling and/or maintenance of equipment or vehicles at your site, you must provide an effective means of eliminating the discharge of spilled or leaked chemicals, including fuel, from the area where these activities will take place.[14]

   To **comply** with the prohibition in Part 2.3.1.c, you must:

   i. If applicable, comply with the Spill Prevention Control and Countermeasures (SPCC) requirements in 40 CFR 112 and Section 311 of the CWA.

   ii. Ensure adequate supplies are available at all times to handle spills, leaks, and disposal of used liquids;

   iii. Use drip pans and absorbents under or around leaky vehicles;

   iv. Dispose of or recycle oil and oily wastes in accordance with other federal, state, tribal, or local requirements;

   v. Clean up spills or contaminated surfaces immediately, using dry clean up measures where possible, and eliminate the source of the spill to prevent a discharge or a furtherance of an ongoing discharge; and

   vi. Do not clean surfaces by hosing the area down.

b. **Washing of Equipment and Vehicles.**

   i. You must provide an effective means of minimizing the discharge of pollutants from equipment and vehicle washing, wheel wash water, and other types of washing;[15] and

   ii. To comply with the prohibition in Part 2.3.1.d, for storage of soaps, detergents, or solvents, you must provide either (1) cover (e.g., plastic sheeting or temporary roofs) to prevent these detergents from coming into contact with rainwater, or (2) a similarly effective means designed to prevent the discharge of pollutants from these areas (such as tightly closed containers).

c. **Storage, Handling, and Disposal of Construction Products, Materials, and Wastes.** You must minimize the exposure to storm water of any of the products,

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[14]Examples of effective controls include, but are not limited to, locating activities away from surface waters and storm water inlets or conveyances, providing secondary containment (e.g., spill berms, decks, spill containment pallets)and cover where appropriate, and/or having spill kits readily available.

[15] Examples of effective controls include, but are not limited to, locating activities away from surface waters 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.

materials, or wastes specified below that are present at your site by complying with the requirements in this Part.

Note: *These requirements do not apply to those products, materials, or wastes that are not a source of storm water contamination or that are designed to be exposed to storm water.*

To ensure you **meet** this requirement, you must:

i. For building products[16]: In storage areas, provide either (1) cover (e.g., plastic sheeting or temporary roofs) to prevent these products from coming into contact with rainwater, or (2) a similarly effective means designed to prevent the discharge of pollutants from these areas.

ii. For pesticides, herbicides, insecticides, fertilizers, and landscape materials:

1) In storage areas, provide either (1) cover (e.g., plastic sheeting or temporary roofs) to prevent these chemicals from coming into contact with rainwater, or (2) a similarly effective means designed to prevent 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.

iii. For diesel fuel, oil, hydraulic fluids, other petroleum products, and other chemicals:

1) To comply with the prohibition in Part 2.3.1.c, store chemicals in water-tight containers, and provide either (1) cover (e.g., plastic sheeting or temporary roofs) to prevent these containers from coming into contact with rainwater, or (2) a similarly effective means designed to prevent the discharge of pollutants from these areas (e.g., spill kits), 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. Do not clean surfaces or spills by hosing the area down. Eliminate the source of the spill to prevent a discharge or a continuation of an ongoing discharge.

iv. For hazardous or toxic waste[17]:

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

[16] Some examples of building products that are typically stored at construction sites include, but are not limited to, asphalt sealants, copper flashing, roofing materials, adhesives, concrete admixtures.
[17] Examples of hazardous or toxic waste that may be present at construction sites include, but are not limited to, paints, solvents, waste paints or solvents, petroleum-based products, wood preservatives, additives, curing compounds, acids.

accordance with applicable Resource Conservation and Recovery Act (RCRA) requirements and all other applicable state, or local requirements;

3) Store all containers that will be stored outside 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 covered area or 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; and

5) Clean up spills immediately, using dry clean-up methods where possible, and dispose of used materials properly. Do not clean surfaces or spills by hosing the area down. Eliminate the source of the spill to prevent a discharge or a furtherance of an ongoing discharge.

v. For construction and domestic waste[18]: Provide waste containers (e.g., dumpster or trash receptacle) of sufficient size and number to contain construction and domestic wastes. In addition, you must:

1) On work days, clean up and dispose of waste in designated waste containers; and

2) Clean up immediately if containers overflow.

vi. For sanitary waste: Position portable toilets so that they are secure and will not be tipped or knocked over and that they will be positioned at least 10 feet from any storm water conveyance, inlet, curb or gutter; or that they will have secondary containment if tipped.

d. **Washing of Applicators and Containers used for Paint, Concrete, or Other Materials**. To comply with the prohibition in Parts 2.3.1.a and 2.3.1.b, you must provide an effective means of eliminating the discharge of water from the washout and cleanout of stucco, paint, concrete, form release oils, curing compounds, and other construction materials. To comply with this requirement, you must:

i. Direct all washwater into a leak-proof container or leak-proof pit. The container or pit must be designed so that no overflows can occur due to inadequate sizing or precipitation; you must segregate paint waste and oily waste from stucco/concrete washout waste and manage the proper disposal separately.

[18] Examples of construction and domestic waste include, but are not limited to, packaging materials, scrap construction materials, masonry products, timber, pipe and electrical cuttings, plastics, styrofoam, concrete, and other trash or building materials.

ii. Handle washout or cleanout wastes as follows:

1) Do not dump liquid wastes in storm sewers;

2) Dispose of liquid wastes in accordance with applicable requirements in Part 2.3.3.c; and

3) Washout or cleanout activities may be located near the areas where concrete or stucco application takes place (and in accordance with local ordinances), but it should be at least 50 feet and possibly further (where practical) from surface waters, and to the extent practicable, designate areas to be used for these activities and require all conducting such activities to only in these areas.

e. Dispose of hardened concrete waste in ways that are consistent with Utah disposal laws for inert material.

2.3.4. **Emergency Spill Notification**. You are prohibited from discharging toxic or hazardous substances from a spill or other release, consistent with Part 2.3.1.e. 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 Part 110, 40 CFR Part 117, or 40 CFR Part 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 Part 110, 40 CFR Part 117, and 40 CFR Part 302 (the federal requirement), and 801-536-4123 (for State agencies), but also you must look up numbers for local health departments and MS4 spill and hazardous waste release reporting as soon as you have knowledge of the discharge. You must also, within 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.

2.3.5. **Fertilizer Discharge Restrictions**. You are required to minimize discharges of fertilizers containing nitrogen or phosphorus. To meet this requirement, you must comply with the following requirements:

a. Apply at a rate and in amounts consistent with manufacturer's specifications, or document departures from the manufacturer specifications where appropriate in Part 7.2.6.b of the SWPPP;

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 with flowing water; and

f. Follow all other state, and local requirements regarding fertilizer application.

3. WATER QUALITY-BASED EFFLUENT LIMITATIONS.

3.1. GENERAL EFFLUENT LIMITATION TO MEET APPLICABLE WATER QUALITY STANDARDS.

Your discharge must be controlled as necessary to meet applicable water quality standards. In the absence of information demonstrating otherwise, 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 (or a local inspector representing an MS4) determines, that your discharge is not being controlled as necessary to meet applicable water quality standards, you must take corrective action as required in Part 5.2.1, and document the corrective actions as required in Part 5.2.2 and Part 5.4. DWQ will also impose additional water quality-based limitations on a site-specific basis, or require you to obtain coverage under an individual permit, if information 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 a DWQ established TMDL.

3.2. DISCHARGE LIMITATIONS FOR IMPAIRED WATERS.

If you discharge to a surface water that is impaired for (1) sediment or a sediment related parameter, such as total suspended solids (TSS) or turbidity, and/or (2) nutrients, including impairments for nitrogen and/or phosphorus, you are required to comply with the requirements in Part 3.2.2.

Note: *For the purposes of this Part, "impaired waters" are waters identified as impaired on the appropriate CWA Section 303(d) list, or waters with a DWQ and EPA-approved or established TMDL. Your construction site will be considered to discharge to an impaired water if the first surface water to which you discharge is identified by DWQ or the EPA pursuant to Section 303(d) of the CWA as not meeting an applicable water quality standard, or is included in a DWQ and EPA-approved or established total maximum daily load (TMDL). In the future discharges under this permit may be required to meet the requirements of an impaired water that may be somewhere down the line from the first water body that the discharge outfalls into. That time may be when this permit is modified or after it is renewed. For discharges that enter a storm sewer system prior to discharge, the first surface water to which you discharge is the waterbody that receives the storm water discharge from the storm sewer system. If you discharge to an impaired water that is impaired for a parameter other than a sediment-related parameter or nutrients, DWQ will inform you if any additional limits or controls are necessary for your discharge to be controlled as necessary to meet water quality standards, including for it to be consistent with the assumptions of any available wasteload allocation in any applicable TMDL, or if coverage under an individual permit is necessary in accordance with Part 1.4.5. If during your coverage under a previous permit, you were required to install and maintain storm water controls specifically to meet the assumptions and requirements of a DWQ established TMDL (for any parameter) or to otherwise control your discharge to meet water quality standards, you must continue to implement such controls as part of this permit.*

3.2.1. **Identify If You Discharge To An Impaired Water.** If you discharge to an impaired water, you must provide the following information in your SWPPP:

- A list of all impaired waters to which you discharge;
- The pollutant(s) for which the surface water is impaired; and
- Whether a TMDL has been approved or established for the waters to which you

discharge.

3.2.2. **Requirements for Discharges to Sediment or Nutrient-Impaired Waters**. If you discharge to a surface water that is impaired for (1) sediment or a sediment related parameter (e.g., total suspended solids (TSS) or turbidity) and/or (2) nutrients (e.g., nitrogen and/or phosphorus), including impaired waters for which a TMDL has been approved or established for the impairment, you are required to comply with the following storm water control requirements, which supplement the requirements applicable to your site in other corresponding parts of the permit.

a. Frequency **of Site Inspection.** You must conduct inspections at the frequency specified in Part 4.1.3.

b. Deadline **to Complete Stabilization.** You must comply with the deadlines for completing site stabilization as specified in Part 2.2.3.

3.3. DISCHARGES TO WATERS IDENTIFIED AS CATEGORY 1 or 2.

3.3.1. **Identify if You Discharge to a Category 1 or Category 2 Water**. If you discharge to a water identified as a Category 1 or Category 2 water, you must indicate so on your NOI. See Appendix C for information on Utah waters.

Note: *For the purposes of this permit, you are considered to discharge to a Category 1 or 2 water if the first surface water to which you discharge is identified as Category 1 or 2. Category 1 or 2 refer to waters identified by the state as high quality waters. For discharges that enter a storm sewer system prior to discharge, the surface water to which you discharge is the first surface water that receives the storm water discharge from the storm sewer system.*

3.3.2. **Requirements for New Projects Discharging to Category 1 or 2 Waters**. For new projects, if you will discharge to a Category 1 or 2 water, you are required to comply with Parts 4.1.3 (inspection frequencies) and 2.2.3. (stabilization deadlines).

4. INSPECTIONS.

4.1. SITE INSPECTIONS.

4.1.1. 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.

Note: *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:*

- 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)

4.1.2. **Frequency of Inspections**. At a minimum, you must conduct a site inspection in accordance with one of the two schedules listed below, unless you are subject to Part 4.1.3 or Part 4.1.4:

a. At least once every 7 calendar days; or

b. Once every 14 calendar days and within 24-hours of the occurrence of a storm event of 0.5 inches or greater. To determine if a storm event of 0.5 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 that measures 0.5 inches or greater, you must record the total rainfall measured for that day in accordance with Part 4.1.7.a.iv.

Note: *Inspections are only required during the project's normal working hours, however a rainfall event can happen after business hours. If a rain event occurs after hours on Friday it does not need to be inspected until Monday.*

Note: *You are required to specify in your SWPPP which schedule you will be following.*

Note: *"Within 24 hours of the occurrence of a storm event" means that you are required to conduct an inspection within 24 hours once a storm event has produced 0.5 inches, even if the storm event is still continuing. Thus, if you have elected to inspect bi-weekly in accordance with Part 4.1.2.b. and there is a storm event at your site that continues for multiple days, and each day of the storm produces 0.5 inches or more of rain, you are required to conduct an inspection*

within 24 hours of the first day of the storm and within 24 hours after the end of the storm. Again, inspections are only required during the projects normal working hours.

4.1.3. **Increase in Inspection Frequency for Sites Discharging to Sensitive Waters**. For any portion of the site that discharges to a sediment or nutrient-impaired water (see Part 3.2) or to a water that is identified as Category 1 or 2 (see Part 3.3), instead of the inspection frequency specified in Part 4.1.2, you must conduct inspections in accordance with the following inspection frequencies:

a. Once every 7 calendar days; and

b. Within 24 hours of the occurrence of a storm event of 0.5 inches or greater. To determine if a storm event of 0.5 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 that measures 0.5 inches or greater, you must record the total rainfall measured for that day in accordance with Part 4.1.7.a.v

Note: *Inspections are only required during the project's normal working hours, however a rainfall event can happen after business hours. If a rain event occurs after hours on Friday it does not need to be inspected until Monday.*

Note: *"Within 24 hours of the occurrence of a storm event" means that you are required to conduct an inspection within 24 hours once a storm event has produced 0.5 inches, even if the storm event is still continuing. Thus, if there is a storm event at your site that continues for multiple days, and each day of the storm produces 0.5 inches or more of rain, you are required to conduct an inspection within 24 hours of the first day of the storm and within 24 hours after the end of the storm. Again inspections are only required during the projects normal working hours.*

Note: *If you qualify for any of the reduced inspection frequencies in Part 4.1.4, you may conduct inspections in accordance with Part 4.1.4 for any portion of your site that discharges to a sensitive water.*

4.1.4. **Reductions in Inspection Frequency**. Your inspection frequency may be reduced as follows:

a. **For Temporarily Stabilized Areas**. You may reduce the frequency of inspections to once per month in any area of your site where the stabilization steps in Parts 2.2.1.b.i, 2.2.1.b.ii, and 2.2.2.b have been completed. When construction activity resumes in this portion of the site at a later date, the inspection frequency immediately increases to that required in Parts 4.1.2 or 4.1.3, if applicable. You must document the beginning and ending dates of this period in your records.

b. For Permanently Stabilized Areas. If portions of the project area are permanently stabilized before the entire project is completed, stabilized, and terminated, these permanently stabilized areas no longer require an inspection, except in the case of inlet protection for drainage received from surrounding unstabilized areas.

c. **For Frozen Conditions**.

i. If you are suspending earth-disturbing activities due to frozen conditions, you may temporarily suspend inspections on your site until thawing conditions (see Appendix A, "thawing conditions") begin to occur if:

1) Runoff is unlikely due to continuous frozen conditions that are likely to continue at your site for at least 30 days based on historic seasonal averages. However, if unexpected weather conditions (such as above freezing temperatures or rain or snow events) make discharges likely, you must immediately resume your regular inspection frequency as described in Parts 4.1.2 or 4.1.3;

2) Land disturbances have been suspended; and

3) All disturbed areas of the site have been temporarily or permanently stabilized in accordance with Part 2.2.

ii. If you are still conducting earth-disturbing 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 30 days based on historic seasonal averages. However, if unexpected weather conditions (such as above freezing temperatures or rain or snow events) make discharges likely, you must immediately resume your regular inspection frequency as described in Parts 4.1.2 or 4.1.3; and

2) Except for areas in which you are actively conducting earth disturbing activities, disturbed areas of the site have been temporarily or permanently stabilized in accordance with Part 2.2.

You must document the beginning and ending dates of this period in your SWPPP.

4.1.5. **Areas that Need to Be Inspected**. During your site inspection, you must at a minimum inspect the following areas of your site:

a. All areas that have been cleared, graded, or excavated and that have not yet completed stabilization consistent with Part 2.2;

b. All storm water controls (including pollution prevention measures) installed at the site to comply with this permit;

c. Material, waste, borrow, or equipment storage and maintenance areas that are covered by this permit;

d. All areas where storm water typically flows within the site, including drainage ways designed to divert, convey, and/or treat storm water;

e. All points of discharge from the site; and

f. All locations where stabilization measures have been implemented.

You are not required to inspect areas that, at the time of the inspection, are considered unsafe for your inspection personnel. You are also not required to inspect areas of the project that are permanently stabilized except for management of storm water flows flowing onto the area coming from other areas that have not been permanently stabilized.

4.1.6. **Requirements for Inspections.** During your site inspection, you must at a minimum:

a. Check whether all erosion and sediment controls and pollution prevention controls are installed, appear to be operational, and are working as intended to minimize pollutant discharges. Determine if any controls need to be replaced, repaired, or maintained in accordance with Parts 2.1.1.d. and 2.3.2;

b. Check for the presence of conditions that could lead to spills, leaks, or other accumulations of pollutants on the site;

c. Identify any locations where new or modified storm water controls are necessary to meet the requirements of Parts 2 and/or 3;

d. At points of discharge and, if applicable, the banks of any surface waters flowing within your property boundaries or immediately adjacent to your property, check for signs of visible erosion and sedimentation (i.e., sediment deposits) that have occurred and are attributable to discharges from your site; and

e. Identify any and all incidents of noncompliance observed.

f. If a discharge is occurring during your inspection, you are required to:

i. Identify all points of the property from which there is a discharge;

ii. 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 obvious indicators of storm water pollutants (see the form in Appendix J); and

iii. Document whether your storm water controls are operating effectively, and describe any such controls that are clearly not operating as intended or are in need of maintenance.

g. Based on the results of your inspection, initiate corrective action under Part 5.

4.1.7. **Inspection Report.**

a. **Requirement to Complete Inspection Report.** You must complete an inspection report within 24 hours of completing any site inspection. Each inspection report must include the following:

i. The inspection date;

ii. The UPDES CGP permit tracking number;

iii. Names and titles (or position) of personnel making the inspection;

iv. A summary of your inspection findings, covering at a minimum the observations you made in accordance with Part 4.1.6;

v. If you are inspecting your site at the frequency specified in Part 4.1.2.b, Part 4.1.3, or Part 4.1.4.c, and you conducted an inspection because of rainfall measuring 0.5 inches or greater, you must include the applicable rain gauge or weather station readings that triggered the inspection; and

vi. If you have 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 that this condition applied to.

b. **Signature Requirements**. Each inspection report must be signed in accordance with Appendix G, Part G.16 (Signatory Requirements) of this permit.

c. **Recordkeeping Requirements**. You are required to keep a current, copy 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 onsite inspection or upon request by DWQ. For purposes of this permit, your inspection reports may be kept electronically if the records are:

i. In a format that can be read in a similar manner as a paper record;

ii. Legally defensible with no less evidentiary value than a paper equivalent; and

iii. Accessible to the inspector during an inspection to the same extent as a paper copy stored at the site would be, if the records were stored in paper form.

Note: *All inspection reports completed for this Part must be retained for at least 3 years from the date that your permit coverage expires or is terminated.*

4.2. **INSPECTIONS BY DWQ OR MS4 OF JURISDICTION**.
You must allow an authorized representative of DWQ, the MS4 of jurisdiction, or the EPA; to conduct the following activities at reasonable times:

4.2.1. Enter onto areas of your site, including any construction support activity areas covered by this permit (see Part 1.3.3.), and onto locations where records are kept under the conditions of this permit;

4.2.2. Access and copy any records that must be kept under the conditions of this permit;

4.2.3. Inspect your construction site, including any construction support activity areas covered by this permit (see Part 1.3.3.) and any storm water controls installed and maintained at the site; and

4.2.4. Sample or monitor for the purpose of ensuring compliance.

4.2.5. Take photographs; videos; measurements; surveying; or other documentation to ensure or document compliance (with consideration to the permittee for legitimate confidentiality concerns, and for security concerns, including national security issues, if there are any).

5. CORRECTIVE ACTIONS.

5.1. "CORRECTIVE ACTIONS" DEFINED.

Corrective actions are actions you take in compliance with this Part to:

- Repair, modify, or replace any storm water control used at the site;
- Clean up and properly dispose of spills, releases, or other deposits; or
- Remedy a permit violation.

5.2. REQUIREMENTS FOR TAKING CORRECTIVE ACTION.

Immediately take all reasonable steps to minimize or prevent the discharge of pollutants until a permanent solution for the problem is installed and made operational.

Note: *In this context, the term "immediately" requires permittees to, on the same day a condition requiring corrective action is found (or as soon afterward as possible considering normal work schedule and task size), take all reasonable steps to minimize or prevent the discharge of pollutants until a permanent solution is installed and made operational.*

5.2.1. Install a new or modified control, make it operational, or complete the repair expeditiously and based on urgency[19] installing the storm water control(s), making them operational, or completing a repair as soon as practicable.

5.3. CORRECTIVE ACTION REQUIRED BY DWQ, THE LOCAL MS4, OR THE EPA INSPECTORS.

You must comply with any corrective actions required by DWQ, the local MS4, or the EPA inspectors as a result of permit violations found during an inspection carried out under Part 4.2.

5.4. TRACKING OF CORRECTIVE ACTION.

For each corrective action taken in accordance with this Part, you must make an entry in a corrective action report/log, inspection reports, or other method the permittee has devised to track corrective action, which includes the applicable information in Parts 5.4.1 and 5.4.2.

5.4.1. Within a day or so of discovering the occurrence of a storm water or pollution control problem at your site, you must make an entry in a report/log or other devise for monitoring corrective action of the following:

a. What condition was identified at your site that required corrective action (BMPs were not installed, installed incorrectly, were not effective, or need repairing);

b. The date and time the condition was identified and how it was identified (inspection report, happened to notice it needed maintenance, etc.).

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[19] What is meant by expeditiously based on urgency is assessing the difficulty of the task, the resources available to complete the task, and the time required to complete the task while considering the urgency of performing the task. A less urgent situation would be placing a storm water control measure in a flat area during a dry season of the year with no precipitation in the forecast and that is a significant distance from a water body or inlet. An urgent situation would be placing a storm water control measure on a slope with precipitation eminent in the forecast and having a water body or inlet close by that would receive the runoff from the area. In any case corrective action should not be put off many days. Direction given during an inspection from DWQ or an MS4 inspector may determine the immediacy needed for the action.

5.4.2. Within 7 calendar days of discovering the occurrence of a problem with a storm water or pollution control measure at your site, you must make an entry in a corrective action report/log (or other corrective action monitoring devise) of the following:

a. Any follow-up actions taken to repair the problem, including the dates such actions occurred;

b. Notice of whether SWPPP modifications are required as a result of the condition identified or corrective action.

5.4.3. **Recordkeeping Requirements**. You are required to keep a current copy of all corrective action entries at the site or at an easily accessible location, so that it can be made available at the time of an onsite inspection or upon request by DWQ or the local jurisdictional MS4. For purposes of this permit, your corrective action entries may be kept electronically if the records are:

a. In a format that can be read in a similar manner as a paper record;

b. Legally defensible with no less evidentiary value than a paper equivalent; and

c. Accessible to the inspector during an inspection to the same extent as a paper copy stored at the site would be, if the records were stored in paper form.

All corrective action entries completed for this Part must be retained for at least 3 years from the date that your permit coverage expires or is terminated.

6. **STAFF TRAINING REQUIREMENTS.**
Prior to the commencement of earth-disturbing activities or pollutant-generating activities, whichever occurs first, you must ensure and document that the following personnel understand the requirements of this permit and their specific responsibilities with respect to those requirements:

- Personnel who are responsible for the design, installation, maintenance, and/or repair of storm water controls (including pollution prevention measures);
- Personnel responsible for the application and storage of treatment chemicals (if applicable);
- Personnel who are responsible for conducting inspections as required in Part 4.1.1; and
- Personnel who are responsible for taking corrective actions as required in Part 5.

Notes: *(1) If the person requiring training is a new employee, who starts after you commence earth-disturbing or pollutant-generating 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. (2) For emergency-related construction activities, the requirement to train personnel prior to commencement of earth-disturbing activities does not apply, however, such personnel must have the required training prior to NOI submission.*

You are responsible for ensuring that all activities on the site comply with the requirements of this permit. Although you are not required to provide or document formal training for subcontractors or other outside service providers, you must ensure (through a contract if necessary) that such personnel understand and perform by any requirements of the permit and the SWPPP that may be affected by the work they are subcontracted to perform.

At a minimum, personnel 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):

- The location of all storm water controls on the site required by this permit, and how they are to be maintained;
- The proper procedures to follow with respect to the permit's pollution prevention requirements; and
- When and how to conduct inspections, record applicable findings, and take corrective actions.

7. STORM WATER POLLUTION PREVENTION PLAN (SWPPP).

7.1. GENERAL REQUIREMENTS.

7.1.1. **Requirement to Develop a SWPPP Prior to Submitting Your NOI**. All owner/operators associated with a construction project to be covered under this permit must develop a SWPPP. You are required to develop your site's SWPPP prior to submitting your NOI. At a minimum, your SWPPP must include the information required in Part 7.2 and as specified in other parts of the permit.[20] You must also update the SWPPP as required in Part 7.4.

Note: *Although many aspects of developing a SWPPP do not require a P.E., there are significant portions or items required in the development of a SWPPP that makes it to where many if not all SWPPPs must include a P.E.in its development. It is not required for a P.E. to stamp the entire SWPPP because operators must have the flexibility to modify a SWPPP. There may be facilities within a SWPPP that need to be stamped and would require a review and to be re-stamped by a P.E. again if modifications occur. For the most part SWPPPs should be designed so that operators have the flexibility to make modifications and updates in the field as is necessary so that improvements can be made for the protection of disturbed soils and the quality of storm water runoff if SWPPP plans prove to be ineffective, or if the conditions at the site turn out to be different than expected. A P.E. knows what is not safe without a stamp.*

Note: *You may develop an electronic SWPPP that is stored on the internet as long as, 1) the SWPPP can be accessed during an inspection, and 2) site personnel know how to, and regularly access the SWPPP to manage and modify the site and SWPPP in accordance with requirements of this permit as if it were as accessible as a hard copy on the site.*

Note: *If your project is an "existing project"[21] or if you are a new owner and/or operator of an existing project", you are not required to meet the requirements of this permit until 6months after this permit has been issued, however, you must meet the requirements of the previous permit (UTR300000) during that 6 month period (see permit 1.4.3).*

7.2. SWPPP CONTENTS.

Your SWPPP must include the following information, at a minimum.

7.2.1. **Storm Water Team**. Each owner/operator, must assemble a "storm water team," which is responsible for overseeing the development of the SWPPP, any later modifications to it, and for compliance with the requirements in this permit.

The SWPPP must identify the personnel (by name or position) that are part of the storm water team, as well as their individual responsibilities. Each member of the storm water team must have ready 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.

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[20]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.

[21] Your project started before this permit was issued, and you had active and legitimate coverage under UTR300000 at the time of expiration of UTR300000.

7.2.2. **Nature of Construction Activities**. The SWPPP must describe the nature of your construction activities, including the size of the property (in acres) and the total area expected to be disturbed by the construction activities (in acres), construction support activity areas covered by this permit (see Part 1.3.3), and the maximum area expected to be disturbed at any one time.

7.2.3. **Emergency-Related Projects**. If you are conducting earth-disturbing activities in response to a public emergency (see Part 1.2.1), you must document the cause of the public emergency (e.g., natural disaster, extreme flooding conditions, etc.), provide information substantiating its occurrence (e.g., state disaster declaration or similar state or local declaration), and provide a description of the construction necessary to reestablish effected public services.

7.2.4. **Sequence and Estimated Dates of Construction Activities**. The SWPPP must include a description of the intended sequence of construction activities, including a schedule of the estimated start dates and the duration of the activity, for the following activities:

a. Installation of storm water control measures, and when they will be made operational, including an explanation of how the sequence and schedule for installation of storm water control measures complies with Part 2.1.1.c.i. and of any departures from manufacturer specifications pursuant to Part 2.1.1.c.ii.;

b. Commencement and duration of earth-disturbing activities, including clearing and grubbing, mass grading, site preparation (i.e., excavating, cutting and filling), final grading, and creation of soil and vegetation stockpiles requiring stabilization;

c. Cessation, temporarily or permanently, of construction activities on the site, or in designated portions of the site;

d. Final or temporary stabilization of areas of exposed soil. The dates for stabilization must reflect the applicable deadlines to which you are subject in Part 2.2.1 and 2.2.2; and

e. Removal of temporary storm water conveyances/channels and other storm water control measures, removal of construction equipment and vehicles, and cessation of any pollutant-generating activities.

Note: *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 permittee to meeting these projections. When departures from initial projections are necessary, this should be documented in the SWPPP itself or in associated records, as appropriate.*

7.2.5. **Site Map**. The SWPPP must include a legible site map, or series of maps, showing the following features of your project:

Note: *Included in the project site are any construction support activities covered by this permit (see Part 1.3.3).*

a. Boundaries of the property and of the locations where construction activities will occur, including:

   i. Locations where earth-disturbing activities will occur, noting any phasing of construction activities;

   ii. Approximate slopes before and after major grading activities. Note areas of steep slopes, as defined in Appendix A;

   iii. Locations where sediment, soil, or other construction materials will be stockpiled;

   iv. Locations of any crossings of surface waters;

   v. Designated points on the site where vehicles will exit onto paved roads;

   vi. Locations of structures and other impervious surfaces upon completion of construction; and

   vii. Locations of construction support activity areas covered by this permit (see Part 1.3.3).

b. Locations of all surface waters, including wetlands, that exist within or in the immediate vicinity of the site. Indicate which water bodies are listed as impaired, and which are identified as Category 1 or 2 waters;

c. The boundary lines of any natural buffers provided consistent with Part 2.1.2.a.i.

d. Topography of the site, existing vegetative cover (e.g., forest, pasture, pavement, structures), and drainage pattern(s) of storm water and authorized non-storm water flow onto, over, and from the site property before and after major grading activities;

e. Storm water and allowable non-storm water discharge locations, including:

   i. Locations of any storm drain inlets on the site and in the immediate vicinity of the site; and

Note: *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.*

   ii. Locations where storm water or allowable non-storm water will be discharged to surface waters (including storm sewer systems and/or wetlands) on or near the site.

f. Locations of all potential pollutant-generating activities identified in Part 7.2.6;

g. Locations of storm water control measures; and

h. Locations where tackifiers, polymers, flocculants, fertilizers, or other treatment chemicals will be used and stored.

7.2.6. **Construction Site Pollutants.** The SWPPP must include the following:

a. A list and description of all the pollutant-generating activities[22] on your site.

b. For each pollutant-generating activity, an inventory of pollutants or pollutant constituents (e.g., sediment, fertilizers and/or pesticides, paints, solvents, fuels) associated with that activity, which could be exposed to rainfall, or snowmelt, and could be discharged from your construction site. You must take into account where potential spills and leaks could occur that contribute pollutants to storm water discharges. You must also document any departures from the manufacturer's specifications for applying fertilizers containing nitrogen and phosphorus, as required in Part 2.3.5.a.

7.2.7. **Non-Storm water Discharges**. The SWPPP must also identify all sources of allowable non-storm water discharges listed in Part 1.3.4. All non-storm water discharges must be managed or treated to prevent a discharge of pollutants.

Note: Allowable discharges listed in section 1.3.4. must be managed such that they are infiltrated into the ground so sediment and any oil sheen will be filtered out into surface soils appropriately (not overloading soil capacity to degrade pollutants), or be otherwise treated so that pollutants are not discharged with storm water.

7.2.8. **Buffer Documentation.** If you are required to comply with Part 2.1.2.a because a surface water is located within 50 feet of your project's earth disturbances, you must describe which compliance alternative you have selected for your site, and comply with any additional requirements to provide documentation in Part 2.1.2.a.

7.2.9. **Description of Storm water Control Measures.**

a. **Storm water Control Measures to be Used During Construction Activity**. The SWPPP must describe all storm water control measures that are or will be installed and maintained at your site to meet the requirements of Part 2. For each storm water control measure, you must document:

i. Information on the type of storm water control measure to be installed and maintained, including design information;

ii. What specific sediment controls will be installed and made operational prior to conducting earth-disturbing activities in any given portion of your site to meet the requirement of Part 2.1.2.b.i.;

iii. For exit points on your site, document stabilization techniques you will use and any additional controls that are planned to remove sediment prior to vehicle exit consistent with Part 2.1.2.c.; and

[22] Examples of pollutant-generating activities include, but are not limited to: paving operations; concrete, paint, and stucco washout and waste disposal; solid waste storage and disposal; and dewatering operations.

iv. For projects at high altitudes that expect long seasons of heavy snow, you must document in your SWPPP when the snow season is expected so spring runoff controls can be installed before snowfall.

v. For linear projects, where you have determined that the use of perimeter controls in portions of the site is impracticable, document why you believe this to be the case (see Part 2.1.2.b.i.).

b. **Use of Treatment Chemicals**. If you plan to use cationic polymers and/or flocculants, you must have an approval letter from DWQ. Otherwise for treatment chemicals at your site you must include the following in your SWPPP:

i. A listing of all soil types[23] that are expected to be exposed during construction and that will be discharged to locations where chemicals will be applied. 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 you have been authorized by DWQ to use cationic treatment chemicals, include the specific controls and implementation procedures designed to ensure that your use of cationic treatment chemicals will not lead to a violation of water quality standards or a fish kill;

iv. The dosage of all treatment chemicals you will use at the site or the methodology you will use to determine dosage;

v. Information from any applicable Material Safety Data Sheets (MSDS);

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 2.1.3.c.iii.

viii. References to applicable state or 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.

c. **Stabilization Practices**. The SWPPP must describe the specific vegetative and/or non-vegetative practices that will be used to comply with the requirements in Part 2.2, including:

[23] Information on soils may be obtained at http://websoilsurvey.nrcs.usda.gov/app/.

i. If you will be complying with the stabilization deadlines specified in Part 2.2.2., you must indicate in your SWPPP the beginning and ending dates of the seasonally dry period and your site conditions; and

ii. For projects at high altitudes that expect long seasons of heavy snow, you must document in your SWPPP when the snow season is expected and so stabilization measures for spring runoff can be installed before snowfall.

7.2.10. **Pollution Prevention Procedures.**

a. **Spill Prevention and Response Procedures.** The SWPPP must describe procedures that you will follow to prevent and respond to spills and leaks consistent with Part 2.3, including:

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 2.3.4 and established under either 40 CFR Part 110, 40 CFR Part 117, or 40 CFR Part 302, occurs during a 24-hour period. Contact information must be in locations that are readily accessible and available.

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 a UPDES permit for the construction activity, provided that you keep a copy of that other plan onsite.

Note: *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.*

b. **Waste Management Procedures.** The SWPPP must describe procedures for how you will handle and dispose of all wastes generated at your site, including, but not limited to, clearing and demolition debris, sediment removed from the site, construction and domestic waste, hazardous or toxic waste, and sanitary waste.

7.2.11. **Procedures for Inspection, Maintenance, and Corrective Action.** The SWPPP must describe the procedures you will follow for maintaining your storm water control measures, conducting site inspections, and, where necessary, taking corrective actions, in accordance with Part 2.1.1.d., Part 2.3.2, Part 4, and Part 5 of the permit. The following information must also be included in your SWPPP:

a. Personnel responsible for conducting inspections;

b. The inspection schedule you will be following, which is based on whether your site is subject to Part 4.1.2 or Part 4.1.3, and whether your site qualifies for any of the allowances for reduced inspection frequencies in Part 4.1.4. If you will be conducting inspections in accordance with the inspection schedule in Part 4.1.2.b. or Part 4.1.3, the location of the rain gauge on your site or the address of the weather station you will be using to obtain rainfall data;

c. If you will be reducing your inspection frequency in accordance with Part 4.1.4.c., the beginning and ending dates of frozen conditions on your site; and

d. Any inspection or maintenance checklists or other forms that will be used.

e. for each storm water control measure you must describe the strategy and schedule you plan to employ to maintain storm water control measures in effective operating condition for each precipitation event or you will be expected to replace, repair, and/or maintain problems found with storm water control measures immediately after each inspection.

7.2.12. **Staff Training.** The SWPPP must include documentation that the required personnel were trained in accordance with Part 6, and all other relevant training be documented (including training in Section 2 for projects that use treatment chemicals).

7.2.13. **UIC Class 5 Injection Wells.**

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 UIC Class V wells must be reported to DWQ for an inventory:

i. French drains (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);

ii. Commercially manufactured pre-cast or pre-built proprietary subsurface detention vaults, chambers, or other devices designed to capture and infiltrate storm water flow; and

iii. 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).

Note: *For the State UIC Contact at DWQ call 801-536-4300.*

7.2.14. List of Impaired Waters that Receive a Discharge and the following information (see paragraph 3.2.1):

a. A list of all impaired waters to which you discharge;

b. The pollutant(s) for which the surface water is impaired; and

c. Whether a TMDL has been approved or established for the waters to which you discharge.

7.2.15. **SWPPP Certification.** The owner/operator must sign and date your SWPPP in accordance with Appendix G, Part G.16.1.2 & 1.3.

7.2.16. **Also Included in the SWPPP.** Once you have completed the submission of your on-line NOI (or paper submission for some), you must include the following documents as part of your SWPPP:

a. A copy of your NOI,

b. A copy of this permit (an electronic copy easily available to the storm water team is also acceptable).

7.3. **ON-SITE AVAILABILITY OF YOUR SWPPP.**
You are required to maintain a current copy of the project SWPPP at every active construction site where this permit is required, and where construction workers and construction activity related to the project is occurring. The SW Team and/or site workers must be able to refer to SWPPP and update it as needed to manage the site according to permit requirements and as outlined in the SWPPP (it is not required that the SWPPP 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 paragraph 1.5). The SWPPP must be available within 30 minutes[24] at the request of DWQ, MS4, or EPA inspectors during random inspections at active sites , or immediately for pre-scheduled inspections. Requests for a copy of the SWPPP by a regulatory authority (DWQ, EPA, or an MS4), must be accommodated within 72 hours, or as agreed upon by the permittee and the regulatory authority at the time. DWQ may provide access to portions of the project SWPPP to a member of the public upon request. Confidential Business Information (CBI) may be withheld from the public, but may not be withheld from DWQ, local regulating MS4, or the EPA.

Note: *Information covered by a claim of confidentiality will be disclosed by DWQ only to the extent of, and by means of, the procedures set forth in 40 CFR Part 2, Subpart B. In general, submitted information protected by a business confidentiality claim maybe disclosed to other employees, officers, or authorized representatives of DWQ and/or the EPA. The authorized*

[24] On several occasions for smaller projects it has been noted that the location of site plans happens to be the project manager's vehicle. On larger sites the SWPPP may be in another location not close to the place a permitting authority may appear. Thirty minutes is provided for the case where a permitting authority shows up for an inspection and the SWPPP is on the site a distance from that exact location, or it is with the project manager who has recently left the site for a business reason, inadvertently taking the site plans (including the SWPPP) with him/her. This time allowance is for notification of the person who may have taken the SWPPP, so it can be returned, or to locate the SWPPP on the site and provide it for the permitting authority. It is intended that SWPPPs be maintained at the site when the site is active. The 30-minutes is not for retrieving the SWPPP from another site where it should not be.

representatives, including employees of other executive branch agencies, may review CBI during the course of reviewing draft regulations. If an onsite location is unavailable to keep the SWPPP when no personnel are present, notice of the plan's location must be posted near the main entrance of your construction site.

7.4. REQUIRED SWPPP MODIFICATIONS.

7.4.1. **List of Conditions Requiring SWPPP Modification**. You must modify your SWPPP, including the site map(s), in response to any of the following conditions:

a. Whenever you make changes to your construction plans, storm water control measures, pollution prevention measures, 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;

b. To reflect areas on your site map where operational control has been transferred due to new ownership or a new operator (and the date of that transfer) since initiating permit coverage;

c. If inspections or investigations by site staff, the MS4, DWQ, or the EPA determine that SWPPP modifications are necessary for compliance with this permit;

d. Where DWQ, the EPA, or the MS4 determines it is necessary to impose additional requirements on your discharge, the following must be included in your SWPPP:

i. A copy of any correspondence describing such requirements; and

ii. A description of the storm water control measures that will be used to meet such requirements.

e. To reflect any revisions to applicable federal, state, or local requirements that affect the storm water control measures 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.

7.4.2. **Deadlines for SWPPP Modifications**. You must complete required revisions to the SWPPP within 7 calendar days following the occurrence of any of the conditions listed in Part 7.4.1.

7.4.3. **SWPPP Modification Records**. You are required to maintain records showing the dates of all SWPPP modifications. The records must include the name of the person authorizing each change (see Part 7.2.15 above – this person can be a duly authorized representative as allowed in Appendix G.16.1.2, but should be a member of the storm water team) and a brief summary of all changes.

Note: *In most cases the date the modification was made with the initials of the person making the change is adequate.*

7.4.4. **Certification Requirements**. All modifications made to the SWPPP consistent with Part 7.4 must be authorized by a person identified in Appendix G, Part G.16.1.2.

8. HOW TO TERMINATE COVERAGE.

Until your permit coverage is terminate, you are required to comply with all conditions and effluent limitations in the permit, except that inspections can be suspended if the site has been prepared to meet the stabilization requirements found in Section 2.2. To begin the termination process, you must go to the DWQ on-line Storm Water data base and complete the steps for terminating your permit, or you must submit a complete and accurate Notice of Termination (NOT) form (that can be downloaded from the construction storm water web page for DWQ) to the DWQ and the MS4 (for all MS4s listed in Appendix E, you must submit a paper form to the MS4), which certifies that you have met the requirements for termination in Part 8. At this point the permit status changes to "unconfirmed termination". The termination process is complete when DWQ or the MS4 (of jurisdiction) does a final inspection and the inspection is passed. At this point the status of the permit changes to "confirmed termination" and the permit is fully terminated.

8.1. MINIMUM INFORMATION REQUIRED IN NOT.

You will be required to provide the following in your NOT:

8.1.1. UPDES permit tracking number provided by the DWQ when you received coverage under this permit;

8.1.2. You must indicate if the termination request is:

a. **Partial Site** – If the termination request is for a portion of the total area, on area that is no longer under your ownership, you and the new owner are required to submit an Ownership Transfer Form found in Appendix M, to DWQ (and the MS4 if a regulated MS4, see Appendix E). For a partial termination you must indicate (on the NOT) how many acres (to the hundredths) that will be eliminated as a result of the transfer transaction, and you must describe (in words) the area that will be transferred. A partial termination submission does not result in a change of the permit status (the remaining area is still under your permit tracking number with an active status);

b. **Full Site** -- if the termination request is the entire area, it must be handled as follows:

i. **New Ownership**. A transfer of the entire site to a different owner. For this case you and the new owner are required to submit an Ownership Transfer Form found in Appendix M, to DWQ (and the MS4 if a regulated MS4, see Appendix E). The permit status will be changed from "active" to "unconfirmed termination". DWQ or the MS4 of jurisdiction will change the permit status to "confirmed termination" after an inspection. Another way to transfer is described on the Ownership Transfer Form.

ii. **Project Completion**. The project is completed and stabilized according to section 2.2. The status of the project will change from "active" to "unconfirmed termination" which will change to "confirmed termination" after a final inspection by DWQ or the local MS4 has approve the termination in a final inspection.

8.1.3. Basis for submission of the NOT (see Part 8.2);

8.1.4. Owner/Operator contact information;

8.1.5. Name of project and address (or a description of location if no street address is available); and

8.1.6. NOT certification, and signature (in accordance with Appendix G, G.16.1.1 & 1.3).

8.2. **CONDITIONS FOR TERMINATING PERMIT COVERAGE.**
You must terminate permit coverage if one of the following conditions occurs at your site (either 8.2.1, 8.2.2, or 8.2.3 below):

8.2.1. You have completed all earth-disturbing activities at your site and, if applicable, construction support activities covered by this permit (see Part 1.3.3), and you have met the following requirements:

a. For any areas that (1) were disturbed during construction, (2) are not covered over by permanent structures, you have met the requirements for final vegetative or non-vegetative stabilization in Part 2.2;

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 to assist in areas where re-establishment of vegetation is especially difficult; 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; and

e. If within a regulated MS4 (see appendix E), you have notified the MS4 that the site is ready for a final inspection; or

8.2.2. For the entire site or for a part of the site, if ownership changes the portion of the site that changes ownership must be terminated.

a. If ownership changes for the entire site the party selling the site must terminate coverage (see paragraph 8.1.2).

b. If ownership changes for a portion of the site the permit holder must terminate only the portion of the site that changes ownership (see paragraph 8.1.2).

8.2.3. 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 the permit when the house is approved for occupancy where temporary storm water controls are in place on the site.

8.2.4. Coverage under an individual or alternative general UPDES permit has been obtained.

8.3. **FINAL INSPECTION ASSOCIATED WITH TERMINATION.**
After submission of an NOT, for most cases, there will be a final inspection by the permitting authority (DWQ or the MS4 with jurisdictional authority for the area). A NOT is not complete until the permitting authority approves the site for termination unless the permitting authority does not perform the inspection within a year of the submission of the NOT after it was submitted.

8.4. **HOW TO SUBMIT YOUR NOT.**

8.4.1. It is preferred that the DWQ "on-line" NOI system be used to submit an electronic NOT.

Access to the DWQ on-line storm water data base is found at the DWQ webpage at http://www.waterquality.utah.gov/UPDES/stormwatercon.htm. A click on Online Application Process and Search for Existing Permits found on that page will take you to the "on line" storm water data base where NOIs and NOTs are submitted. 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 where the NOI was submitted the permittee must either contact DWQ and request account access or fill out and submit to DWQ a paper form of the NOT which can be downloaded from the same DWQ website.

8.5. **DEADLINE FOR SUBMITTING NOT.**
You must submit an NOT within 30 calendar days after any one of the triggering conditions in Part 8.2 occur.

8.6. **EFFECTIVE DATE OF TERMINATION OF COVERAGE.**
Your authorization to discharge under this permit terminates at midnight of the calendar day that a completed NOT is processed (meaning that storm water discharged from the site is not coming from a site involved with construction activity) on the DWQ "on-line" storm water data base, unless the results of the final inspection indicate problems that need addressing.

Appendix A - Definitions and Acronyms

Definitions

"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.

"Bank" (e.g., stream bank or river bank) – the rising ground bordering the channel of a water of the State of Utah.

"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.

"Bypass" – the intentional diversion of waste streams from any portion of a treatment facility. See 40 CFR 122.41(m)(1)(i).

"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 which is separated into parts. This usually goes through an approval process by a local governmental unit, but in some cases may not require that process. The original plan is considered the "common plan of development or sale" whether phased or completed in steps. If a further plan is conceived that was not foreseen during the original plan, or the original plan is added onto but the addition was conceived later and was not included in any part of the original plan concept and/or development, and it develops after the completion of the construction of the entire original plan, it would be a separate "common plan of development or sale". More than one owner of developable land can purposely join together and develop a single common plan of development or sale, but without a determined effort and coordinated planning, land owned by different owners would not be considered part of a single common plan of development or sale. 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). Common Plans of Development or Sale can be commercial or industrial also.

"Construction Activities" – earth-disturbing activities, such as the clearing, grading, and excavation of land.

"Construction and Development Effluent Limitations and New Source Performance Standards" (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, and 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.

"Discharge" – it can mean discharge of storm water or "discharge of a pollutant."

"Discharge of a Pollutant" – any 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.

"Drainageway" – an open linear depression, whether constructed or natural, that functions for the collection and drainage of surface water.

"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/season_drought.gif.

"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.

"Effluent Limitations Guideline" (ELG) – defined in 40 CFR § 122.2 as a regulation published by the EPA Administrator under section 304(b) of CWA to adopt or revise effluent limitations.

"Electronic Notice of Intent" – DWQ's online system for submitting electronic Construction General Permit forms.

"Eligible" – for the purposes of this permit, refers to storm water and allowable non-storm water discharges that are authorized for coverage under this general permit.

"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 measured value that exceeds a specified limit.

"Existing Project" – a construction project that commenced construction activities prior to the issuance date of this permit.

"Existing Permit Coverage" – means for a permittee that he/she had permit coverage under a previous permit (e.g., UTR300000), 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" – on areas not covered by permanent structures, either (1) vegetation has been established, or for arid or semi-arid areas, the area has been designed and prepared so that with time it is expected to be established a uniform (e.g., evenly distributed, without large bare

areas) perennial vegetative cover of 70 percent of the natural background vegetative cover, or (2) non-vegetative stabilization methods have been implemented to provide effective cover for exposed portions of the site.

"Groundwater" – water that resides in the ground, even if only temporarily for the time it is in the ground, in the voids and interstitial spaces around soil particles.

"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 groundwater provides water for stream flow, as well as during and immediately after some precipitation events or snowmelt.

"Jar test" – a test designed to simulate full-scale coagulation/flocculation/sedimentation water treatment processes by taking into account the possible conditions.

"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.

"National Pollutant Discharge Elimination System" (NPDES) – defined at 40 CFR §122.2 as the national program for issuing, modifying, revoking and reissuing, terminating, monitoring and enforcing permits, and imposing and enforcing pretreatment requirements, under sections 307, 402, 318, and 405 of CWA. The term includes an 'approved program.'

"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 region or ecosystem.

"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 commences construction activities on or after July 1, 2013.

"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 purpose of this permit an operator is the party that 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). Operator in this context is generally is considered to be the general contractor for a 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 usually has ownership of 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 owned or 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" – is the owner and/or operator named in the NOI for the project.

"Permitting Authority" – for the purposes of this permit, DWQ, the Executive Secretary for the Utah Water Quality Board, or an authorized representative.

"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, 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" is as defined in Utah Administrative Code R317-1-1.34, into which the regulated storm water 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 15 percent or greater in grade.

"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, 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" – 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.

"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.

"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.

Note: *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 <u>not</u> 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 exceedence of applicable water quality standards.

"Upland" - the dry land area above and 'landward' of the ordinary high water mark.

"Upset" – Upset means an exceptional incident in which there is unintentional and temporary noncompliance with technology based permit effluent limitations because of factors beyond your reasonable control. An upset does not include noncompliance to the extent caused by operational error, improperly designed treatment facilities, inadequate treatment facilities, lack of preventive maintenance, or careless or improper operation. See 40 CFR 122.41(n)(1).

"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 highquality 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
DNR – Department of Natural Resources
DOGM – Department of Oil, Gas, and Mining
EPA – United States Environmental Protection Agency
ESA – Endangered Species Act
FWS – United States Fish and Wildlife Service
MS4 – Municipal Separate Storm Sewer System
MSGP – Multi-Sector General Permit
NHPA – National Historic Preservation Act
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
UCGP – Utah Construction General Permit
UDOT – Utah Department of Transportation
USGS – United States Geological Survey
UWQA – Utah Water Quality Act
WQS – Water Quality Standard

Appendix B - Small Construction Waivers and Instructions

These waivers are only available to storm water discharges associated with small construction activities (i.e., construction activity disturbing between 1-5 acres). As the owner/operator of a small construction activity, you may be able to qualify for a waiver in lieu of needing to obtain coverage under this general permit based on a low rainfall erosivity factor. Each owner/operator, otherwise needing permit coverage, must notify DWQ of its intention to employ this waiver. It is the responsibility of those individuals wishing to obtain a waiver from coverage under this general permit to submit a complete and accurate waiver certification as described below. Where the owner/operator changes or another is added during the construction project, the new owner/operator must also submit a waiver certification to be waived.

B.1 RAINFALL EROSIVITY WAIVER

Under this scenario the small construction project's rainfall erosivity factor calculation ("R" in the Revised Universal Soil Loss Equation) is less than 5 during the period of construction activity. The owner/operator must certify to DWQ that construction activity will occur only when the rainfall erosivity factor is less than 5. The period of construction activity begins at initial earth disturbance and ends with final stabilization. Where vegetation will be used for final stabilization, the date of installation of a stabilization practice that will provide interim non-vegetative stabilization can be used for the end of the construction period, provided the owner/operator commits (as a condition of waiver eligibility) to periodically inspect and properly maintain the area until the criteria for final stabilization as defined in the construction general permit have been met. If use of this interim stabilization eligibility condition was relied on to qualify for the waiver, signature on the waiver with its certification statement constitutes acceptance of and commitment to complete the final stabilization process. The owner/operator must submit a waiver certification to DWQ prior to commencing construction activities.

Note: *The rainfall erosivity factor "R" is determined in accordance with Chapter 2 of Agriculture Handbook Number 703, Predicting Soil Erosion by Water: A Guide to Conservation Planning With the Revised Universal Soil Loss Equation (RUSLE), pages 21–64, dated January 1997; United States Department of Agriculture (USDA), Agricultural Research Service.*

EPA has developed an online rainfall erosivity calculator to help small construction sites determine potential eligibility for the rainfall erosivity waiver. You can access the calculator from EPA's website at:www.epa.gov/npdes/stormwater/lew. The R factor can easily be calculated by using the construction site latitude/longitude or address and estimated start and end dates of construction. This calculator may also be useful in determining the time periods during which construction activity could be waived from permit coverage. You may find that moving your construction activity by a few weeks or expediting site stabilization will allow you to qualify for the waiver. Use this online calculator or the Construction Rainfall Erosivity Waiver Fact Sheet (www.epa.gov/npdes/pubs/fact3-1.pdf) to assist in determining the R Factor for your small construction site.

If you are the owner/operator of the construction activity and are eligible for a waiver based on low erosivity potential, you can submit the erosivity waiver electronically on the DWQ on-line Storm Water data base (https://secure.utah.gov/stormwater) or provide the following information on the waiver certification form in order to be waived from permitting requirements:

1. Name, address and telephone number of the construction site owner/operator(s);

2. Name (or other identifier), address, county, city (if within an incorporated city boundary), and latitude/longitude of the construction project or site;
3. Estimated construction start and completion (i.e., final stabilization) dates, and total acreage (to the nearest quarter acre) to be disturbed;
4. The rainfall erosivity factor calculation that applies to the active construction phase a your project site; and
5. A statement, signed and dated by an authorized representative as provided in Appendix I, Subsection I.11, which certifies that the construction activity will take place during a period when the value of the rainfall erosivity factor is less than five

You can access the waiver certification form from DWQ's website at: (http://www.waterquality.utah.gov/UPDES/stormwatercon.htm). Paper copies of the form must be sent to one of the addresses listed in Part B.2 of this appendix.

Note: *If the R factor is 5 or greater, you cannot apply for the rainfall erosivity waiver, and must apply for UPDES permit coverage.*

If your small construction project continues beyond the projected completion date given on the waiver certification, you must recalculate the rainfall erosivity factor for the new project duration. If the R factor is below five (5), you must update all applicable information on the waiver certification and retain a copy of the revised waiver as part of your records. The new waiver certification must be submitted prior to the projected completion date listed on the original waiver form to assure your exemption from permitting requirements is uninterrupted. If the new R factor is 5 or above, you must obtain UPDES permit coverage.

B.2 WAIVER DEADLINES AND SUBMISSIONS

1. Waiver certifications must be submitted prior to commencement of construction activities.
2. Late Notifications: Owner/Operators are not prohibited from submitting waiver certifications after initiating clearing, grading, excavation activities, or other construction activities. DWQ reserves the right to take enforcement for any unpermitted discharges that occur between the time construction commenced and waiver authorization is granted.

Submittal of a waiver certification is an optional alternative to obtaining permit coverage for discharges of storm water associated with small construction activity (construction activity disturbing 1-5 acres), provided you qualify for the waiver. Any discharge of storm water associated with small construction activity not covered by either a permit or a waiver may be considered an unpermitted discharge under the Clean Water Act. DWQ may notify any owner/operator covered by a waiver that they must apply for a permit. DWQ may notify any owner/operator who has been in non-compliance with a waiver that they may no longer use the waiver for future projects. Any member of the public may petition DWQ to take action under this provision by submitting written notice along with supporting justification. Complete and accurate Rainfall Erosivity waiver certifications not otherwise submitted electronically via DWQ's on-line Storm Water data base system (https://secure.utah.gov/stormwater) must be sent to the following address:

Construction Storm Water Waiver
Utah DWQ
PO Box 144870
Salt Lake City, Utah 84114-4870

Appendix C – List with Information on Utah's Waters

The site http://wq.deq.utah.gov/ has a map of watershed assessment units which can be used to identify waters (rivers, creeks, lakes) and water quality information about them. If you can find the place on the map of the State of Utah and click where your project will occur, information will come up in the window on the left about the watershed assessment unit.

The information available on the watershed assessment unit is:

Name of the watershed assessment unit or water body
Category of water
Beneficial uses of the water body
If the water is impaired
If impaired, what the cause of impairment is
A contact name and phone number to obtain more information.

Appendix D – Buffer Guidance.

The following section was taken (nearly verbatim) from the EPA CGP. The EPA covers the entire US and therefore provides information from across the US. Data and information directly about Utah are not included. DWQ does not have the resources to modify this appendix to generate and include information only for Utah. The entire section is included to provide direction and help for permittees although examples within this treatise may also include areas not similar to Utah. For purposes of the permit it will suffice for a site in Utah to use the data from areas with similar climates (Idaho or New Mexico -- whichever matches the Utah site closest) to make the prescribed calculations.

The purpose of this guidance is to assist you in complying with the requirements in Part 2.1.2.a. of the permit regarding the establishment of natural buffers or equivalent sediment controls. This guidance is organized as follows:

D.1. SITES THAT ARE REQUIRED TO COMPLY WITH PART 2.1.2.a. ····· D-2.

D.1.1. Step 1 - Determine if Your Site is Within 50 Feet of a Surface Water ····· D-2.
D.1.2. Step 2 - Determine if Any Exceptions to the Requirements in Part 2.1.2.a. Apply ··· D-3.

D.2 COMPLIANCE ALTERNATIVES GUIDANCE ····· D-4.

D.2.1. Guidance for Providing and Maintaining Natural Buffers ····· D-4.
D.2.1.1 Buffer Width Measurement ····· D-5.
D.2.1.2 Limits to Disturbance Within the Buffer. ····· D-7.
D.2.1.3 Discharges to the Buffer ····· D-7.
D.2.1.4 SWPPP Documentation ····· D-8.
D.2.2. Guidance for Providing the Equivalent Sediment Reduction as the 50-foot Buffer ··· D-8.
D.2.2.1 Determine Whether it is Feasible to Provide a Reduced Buffer ····· D-8.
D.2.2.2 Design Controls That Provide Equivalent Sediment Reduction as 50-foot Buffer ····· D-9.
a. Step 1 - Estimate the Sediment Reduction from the 50-foot Buffer D-10.
b. Step 2 - Design Controls That Match the Sediment Removal Efficiency of the 50-foot Buffer ····· D-11.
c. Step 3 - Document How Site-Specific Controls Will Achieve the Sediment Removal Efficiency of the 50-foot Buffer ····· D-12.
D.2.3 Small Residential Lot Compliance Alternatives ····· D-13.
D.2.3.1 Step 1 – Determine if You are Eligible for the Small Residential Lot Compliance ····· D-13.
D.2.3.2 Step 2 – Implement the Requirements of the Small Residential Lot Compliance Alternative Selected ····· D-13.
a. Small Residential Lot Compliance Alternative 1 ····· D-13.
b. Small Residential Lot Compliance Alternative 2 ····· D-14.

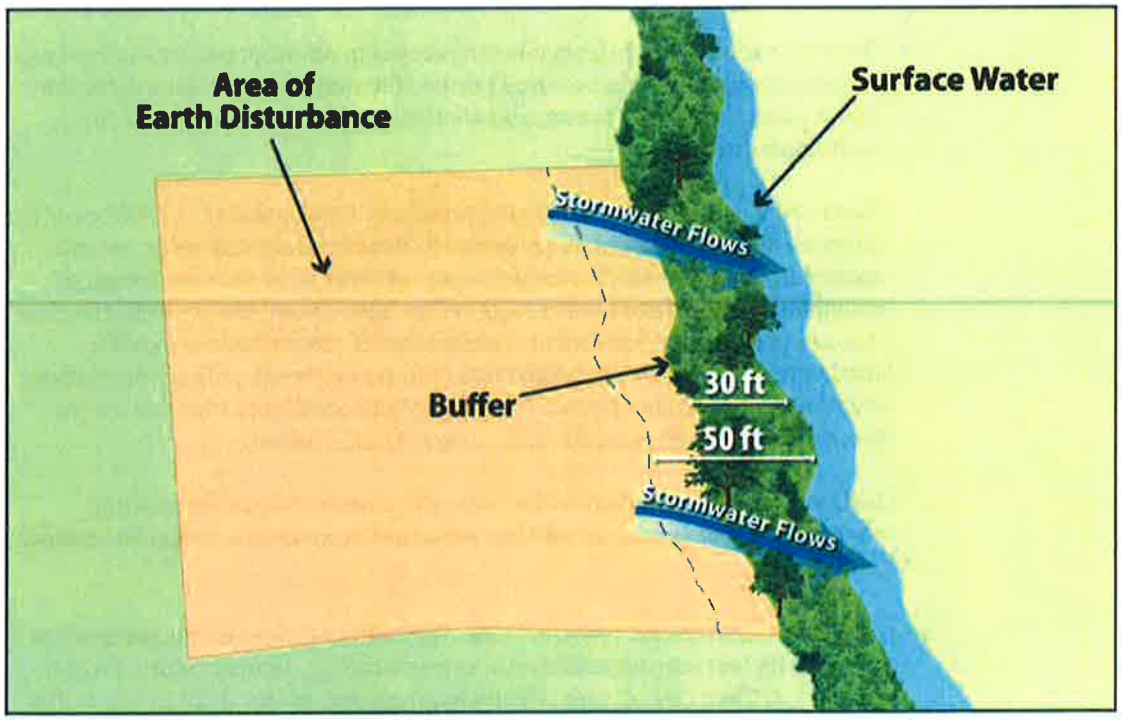
D.1 SITES THAT ARE REQUIRED TO COMPLY WITH PART 2.1.2.a.

The purpose of this part is to help you determine if the requirements in Part 2.1.2.a. apply to your site.

D.1.1 Step 1 - Determine if Your Site is Within 50 Feet of a Surface Water

Part 2.1.2.a. applies to you only if your earth-disturbing activities will occur within 50 feet of a surface water that receives storm water discharges from your site. Figure D – 1 illustrates when a site would be required to comply with the requirements in Part 2.1.2.a. due to their proximity to a surface water. If the surface water is not located within 50 feet of the earth-disturbing activities, Part 2.1.2.a. does not apply.

Figure D - 1. Example of earth-disturbing activities within 50 feet of a surface water.



If you determine that your earth-disturbing activities will occur within 50 feet of a surface water that receives storm water discharges from your site, the requirements in Part 2.1.2.a. apply, except for certain circumstances that are described in Step 2.

Note that where some natural buffer exists but portions of the area within 50 feet of the surface water are occupied by preexisting development disturbances, or if a portion of area within 50 feet of the surface water is owned by another party and is not under your control, the buffer requirements in Part 2.1.2.a. still apply, but with some allowances.

Clarity about how to implement the compliance alternatives for these situations is provided in D.2.1.2 and D.2.2.2 below.

Note that DWQ does not consider designed storm water control features (e.g., storm water conveyance channels, storm drain inlets, storm water basins) that direct storm water to surface waters more than 50 feet from the disturbance to constitute surface waters for the purposes of determining if the buffer requirements apply.

D.1.2 Step 2 - Determine if Any Exceptions to the Requirements in Part 2.1.2.a. Apply.

The following exceptions apply to the requirements in Part 2.1.2.a:

- If there is no discharge of storm water to surface waters through the area between the disturbed portions of the site and any surface waters located within 50 feet of your site, you are not required to comply with the requirements in this Part. 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 structures (e.g. parking lot, building) 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 this Part.

  Where some natural buffer exists but portions of the area within 50 feet of the surface water are occupied by preexisting development structures, you are required to comply with the requirements in this Part. For the purposes of calculating the sediment load reduction for either compliance alternative 2 or 3 below, you are not expected to compensate for the reduction in buffer function that would have resulted from the area covered by these preexisting structures. Clarity about how to implement the compliance alternatives for these situations is provided in D.2.1.2 and D.2.2.2 below.

  If during your project, you will disturb any portion of these preexisting structures, the area removed will be deducted from the area treated as natural buffer.

- For "linear construction projects" (see Appendix A), you are not required to comply with this requirement if site constraints (e.g., limited right-of-way) prevent you from complying with the requirements of the alternatives in Part 2.1.2.a.i. provided that, to the extent practicable, you limit disturbances within 50 feet of the surface water and/or you provide supplemental erosion and sediment controls to treat storm water discharges from earth disturbances within 50 feet of the surface water. You must also document in your SWPPP your rationale for why it is infeasible for you to comply with the requirements in Part 2.1.2.a.i., and describe any buffer width retained and/or 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 common plan of development or sale that will disturb greater than or equal to 1 acre), you have the option of complying with the requirements in Part D.2.3 of this appendix.

- The following disturbances within 50 feet of a surface water are exempt from the requirements in this Part:
  - 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).

  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.

D.2 COMPLIANCE ALTERNATIVES GUIDANCE.

If in Part D.1 of this guidance you determine that the buffer requirements apply to your site, you have three compliance alternatives from which you can choose:

1. Provide and maintain a 50-foot undisturbed natural buffer (Part 2.1.2.a.i.1));[1] or
2. Provide and maintain an undisturbed natural buffer that is less than 50 feet and is supplemented by additional erosion and sediment controls, which in combination achieves the sediment load reduction equivalent to a 50-foot undisturbed natural buffer (Part 2.1.2.a.i.2));[1] or
3. If it is infeasible to provide and maintain an undisturbed natural buffer of any size, you must implement erosion and sediment controls that achieve the sediment load reduction equivalent to a 50-foot undisturbed natural buffer (Part 2.1.2.a.i.3)).[1]

The compliance alternative selected above must be maintained throughout the duration of permit coverage.

The following provides detailed guidance for how you can comply with each of the compliance alternatives. Part D.2.1. below provides guidance on how to provide and maintain natural buffers consistent with the alternatives 1 and 2, above. Part D.2.2. below provides guidance on how to comply with the requirement to provide a 50-foot buffer equivalent through erosion and sediment controls consistent with alternatives 2 and 3, above.

D.2.1 Guidance for Providing and Maintaining Natural Buffers.

The following guidance is intended to assist you in complying with the requirements to provide and maintain a natural buffer during construction. This part of the guidance

[1] For the compliance alternatives in 1 and 2, you are not required to enhance the quality of the vegetation that already exists in the buffer, or provide vegetation if none exists (e.g., arid and semi-arid areas). You only need to retain and protect from disturbance the natural buffer that existed prior to the commencement of construction. Any preexisting structures or impervious surfaces are allowed in the natural buffer provided you retain and protect from disturbance the natural buffer area outside the preexisting disturbance. Similarly, for alternatives 2 and 3, you are required to implement and maintain sediment controls that achieve the sediment load reduction equivalent to the undisturbed natural buffer that existed on the site prior to the commencement of construction. In determining equivalent sediment load reductions, you may consider naturally non-vegetated areas and prior disturbances. See Part D.2.2 of this Appendix for a discussion of how to determine equivalent reductions.

applies to you if you choose either alternative 1 (50-foot buffer) or 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 D.2.3 below.

D.2.1.1 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:

1. 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

2. The edge of the stream or river bank, bluff, or cliff, whichever is applicable.

Refer to Figure D – 2 and Figure D - 3. You may find that specifically measuring these points is challenging if the flow path of the surface water changes frequently, thereby causing the measurement line for the buffer to fluctuate continuously along the path of the waterbody. Where this is the case, EPA 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 surface water 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 alternative 1 above, 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 D - 2. This image shows 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.

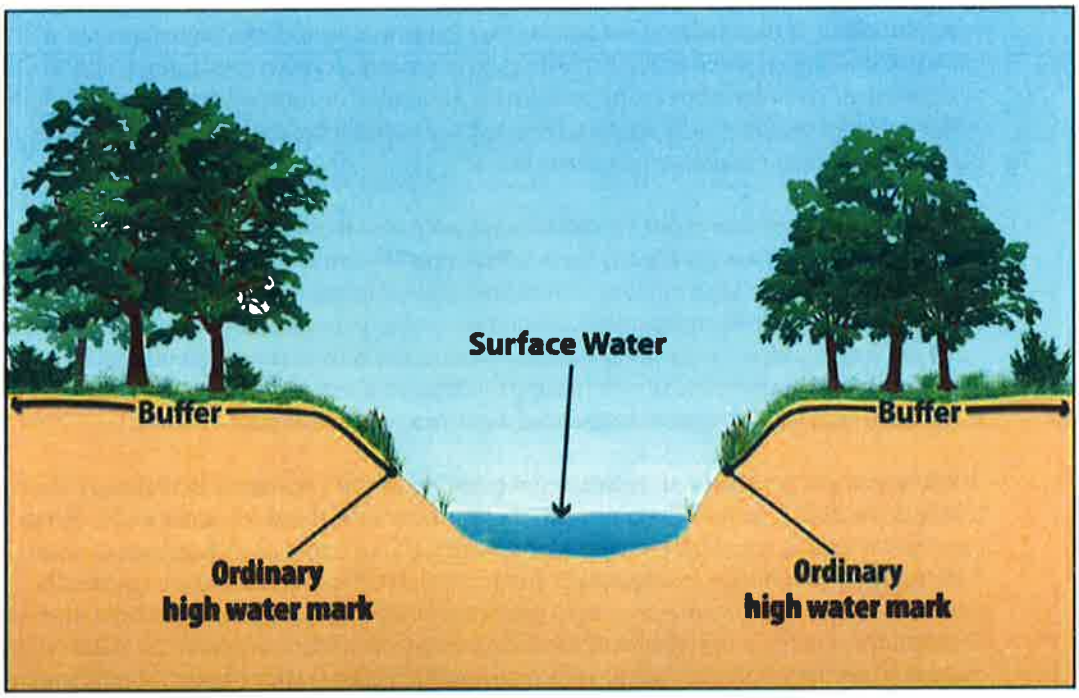
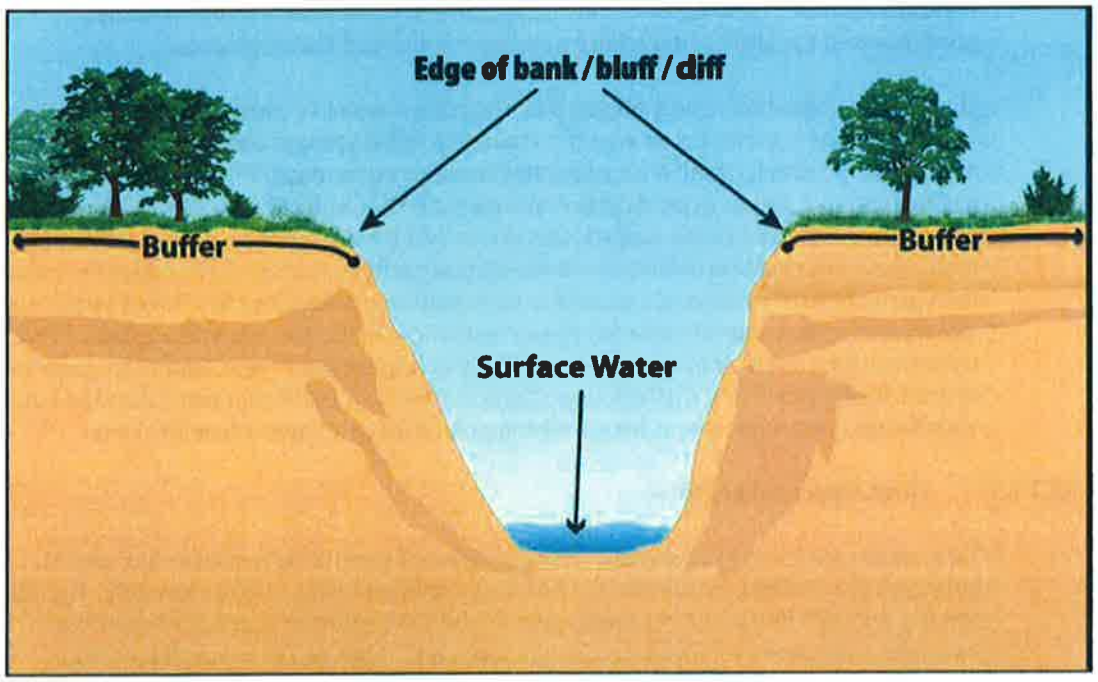


Figure D - 3. This image shows buffer measurement from the edge of the bank, bluff, or cliff, whichever is applicable.



D.2.1.2 Limits to Disturbance Within the Buffer

You are considered to be in compliance with this requirement 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 any additional vegetation. As noted above, any preexisting structures or impervious surfaces are allowed in the buffer provided you retain and protect from disturbance the vegetation in the buffer outside 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 consider targeted plantings where limited vegetation exists, or replacement of 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 surface water 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 elect alternative 1 above (provide and maintain a 50-foot buffer), but 10 feet of land immediately adjacent to the surface water 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 on 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.

D.2.1.3. 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 2.1.2.b. requirement to establish sediment controls around the downslope perimeter of your site disturbances), 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.

D.2.1.4 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 comply with the requirements in Part 2.1.2.a.iii. to describe the erosion and sediment controls you will use to achieve an equivalent sediment reduction, as described in Part D.2.2 below). Note that you must also show any buffers on your site plan in your SWPPP consistent with Part 7.2.6.c. Additionally, if any disturbances related to the exceptions in Part 2.1.2.a.v. occur within the buffer area, you must document this in the SWPPP.

D.2.2 Guidance for Providing the Equivalent Sediment Reduction as the 50-foot Buffer.

If you are selecting Alternative 2 (provide and maintain a buffer that is less than 50 feet that is supplemented by additional erosion and sediment controls that, together, achieve the equivalent sediment load reduction as the 50-foot buffer) or Alternative 3 (implement erosion and sediment controls that achieve the equivalent sediment load reduction as the 50-foot buffer), the following guidance is intended to assist you in demonstrating that you will achieve the equivalent sediment reduction as the 50-foot buffer.

D.2.2.1 Determine Whether it is Feasible to Provide a Reduced Buffer.

DWQ 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 D.1.2), 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. DWQ believes there are likely to be other examples of situations that make it infeasible to provide any buffer area.

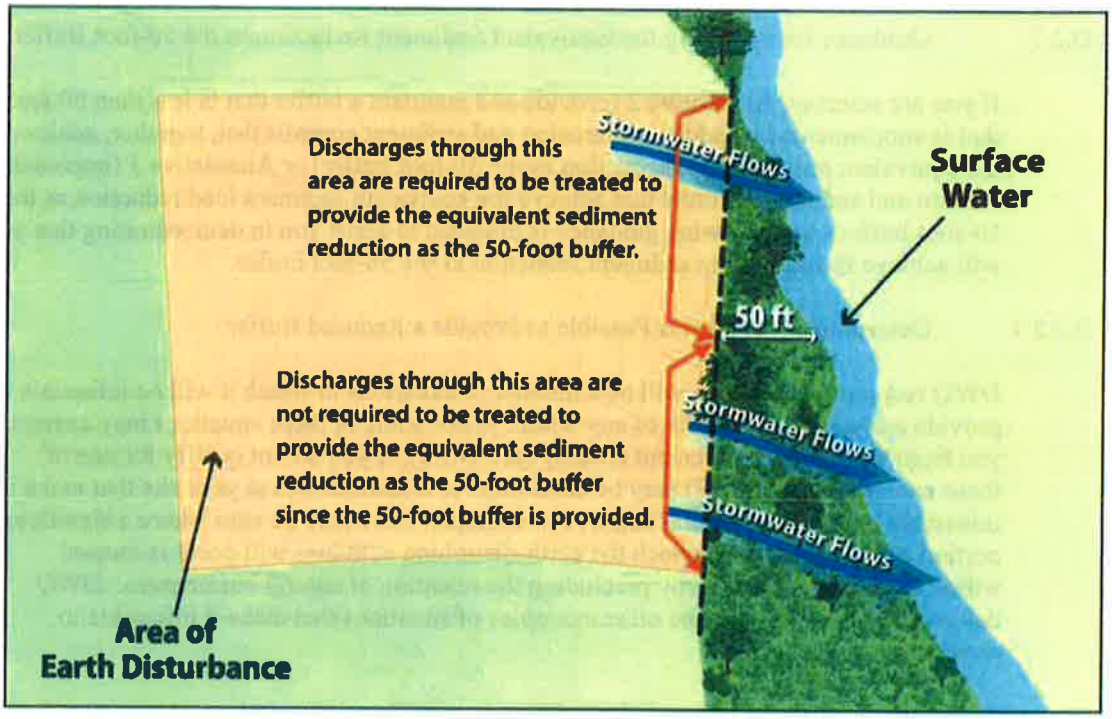
Therefore, in choosing between the 2 different compliance alternatives (Alternative 2 or 3), you should only elect to comply with Alternative 2 if it is feasible for you to retain any natural buffer on your site. (Note: For any buffer width retained, you are required to comply with the requirements in Part D.2.1, 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 elect to comply with Alternative 3. After making this determination, you should proceed to Part D.2.2.2 to determine how to provide controls that, together with any buffer areas that is being retained, if applicable, will achieve an equivalent sediment load reduction as the 50-foot buffer.

D.2.2.2 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 treatment of storm water discharges that flow through 50 feet or more of natural buffer. See Figure D - 4.

Figure D - 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.



To comply with this requirement, you are required to do the following:

Step1 - Estimate the sediment reduction expected from your site if you had retained a 50-foot natural buffer;

Step 2 - Design controls that alone or in combination with any width of buffer retained achieve the equivalent sediment removal efficiency as that expected from the 50-foot buffer; and

Step 3 - Document in your SWPPP how your controls will achieve the equivalent sediment removal efficiency of the 50-foot buffer.

Guidelines to help you work through these requirements are provided below.

a. 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 sediment controls used to reduce the discharge of sediment prior to the buffer. DWQ has adopted EPA calculations concerning this and DWQ has adapted it to Utah. EPA has simplified this calculation by developing buffer performance tables covering a range of vegetation and soil types for the areas in Utah. See Attachment , Tables D – 4 and D - 5. Note: buffer performance values in Tables D – 4 and D - 5 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.[2]

Using Tables D – 4 and D - 5 (see Attachment 1), 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 moist Utah (see the 3-zone precipitation map of Utah in Appendix F), Table D - 4, and your buffer vegetation corresponds most closely with that of medium density weeds, and the soil type at your site is best typified as sand, your site's sediment removal efficiency would be 28 percent. In this step, you should choose the vegetation type

[2] 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.
- 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 (DWQ is using only that which is approximately what could be found in Utah or nearby areas). 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 surface water will typically be undisturbed. EPA also evaluated slope steepness and found that sediment removal efficiencies present in Tables D -4 and D - 5 are achievable for slopes that are less than nine percent.

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 surface water is owned by another party and is not under your control, you can treat the area of land not under 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 surface water, but the 10 feet of land immediately adjacent to the surface water 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 as 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.

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 D – 4 and D - 5. This calculation must be documented in your SWPPP.

b. Step 2 - Design Controls That Match the Sediment Removal Efficiency of the 50-foot Buffer

Once you have determined the estimated sediment removal efficiency of a 50-foot buffer for your site in Step 1, you will be required to select storm water controls that will provide an equivalent sediment load reductions. These controls can include the installation of a single designed control, such as a sediment pond, additional perimeter controls, or other type of device. Alternatively, you may elect to install a combination of storm water controls and to retain some amount of a buffer. 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 the 50-foot buffer (Step 1). You are allowed to 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 D – 4 and D - 5. (Note: You are reminded that the controls must be kept in effective operating condition until you have completed final stabilization on the disturbed portions of the site discharging to the surface water.)

To make the determination that your controls and/or buffer area achieve an equivalent sediment load reduction as the 50-foot buffer, you will need to use a model or other type of calculator. 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. A couple of examples are provided in Attachment 3 to help illustrate how this determination could be made. If you are retaining 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 are retaining 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-foot 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 have 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 surface water, but the 10 feet of land immediately adjacent to the surface water 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.

c. 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 D - 4 and D - 5. 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 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.

D.2.3 Small Residential Lot Compliance Alternatives

> A small residential 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.

In this part of Appendix D, EPA provides additional compliance alternatives for owner/operators of small residential lots. In accordance with Part 2.1.2.a.v.4), owner/operators of small residential lots who do not provide a 50-foot buffer are not required to make the demonstration outlined in Part D.2.2.2. Instead, qualifying owner/operators can comply with the buffer requirement by choosing to implement a set of traditional sediment and erosion controls from the menu of practices provided in Part D.2.3.2. DWQ allows the (EPA developed) two different alternatives for compliance. The following steps describe how a small residential lot owner/operator would achieve compliance with these 2 alternatives.

D.2.3.1 Step 1 – Determine if You are Eligible for the Small Residential Lot Compliance Alternatives

In order to be eligible for the small residential lot compliance alternatives, the following conditions must be met:

a. The lot or grouping of lots meets the definition of "small residential lot"; and

b. The owner/operator must comply with all other requirements in Part 2.1.2.a, including:

   i. 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;

   ii. Document in the SWPPP the natural buffer width retained on the property, and show the buffer boundary on your site plan; and

   iii. Delineate, and clearly mark off, with flags, tape, or other similar marking device, all natural buffer areas.

D.2.3.2 Step 2 – Implement the Requirements of the Small Residential Lot Compliance Alternative Selected

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. Owner/Operators of small residential lots can alternatively choose to comply with the any of the options that are available to other sites in Part 2.1.2.a.i, described in Parts D.2.1 and D.2.2 in this appendix.*

a. 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 achieve compliance with Alternative 1, you must implement the controls specified in Table D – 1 based on the buffer width to be retained. See footnote 3, below, for a description of the controls you must implement.

> For example, if you are an owner/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 surface water.

In addition to implementing the applicable control, you must also document in your SWPPP how you will comply with Alternative 1.

Table D - 1. Alternative 1 Requirements[3]

Retain 50-foot Buffer	Retain <50 and >30 foot Buffer	Retain ≤ 30 foot Buffer
No Additional Requirements	Double Perimeter Controls	Double Perimeter Controls and 7-Day Site Stabilization

b. Small Residential Lot Compliance Alternative 2

Alternative 2 specifies the controls that a builder of a small lot must implement based on both the buffer width retained and their risk of sediment discharge. By incorporating the 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, DWQ has adapted table D-2 for areas from moist Utah, semi-arid, or arid; soil type; and different slope conditions. On table D-2, first select the slope; then select the climate (moist, semi-arid, or arid); then select the soil type.

[3] Description of Additional Controls Applicable to Small Residential Lot Compliance Alternatives 1 and 2:

- **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 2.1.2.b.
- **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 surface water spaced a minimum of 5 feet apart.
- **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 2.1.2.b, you must provide a double row of perimeter controls between the disturbed portion of your site and the surface water spaced a minimum of 5 feet apart, and you are required to complete the stabilization activities specified in Parts 2.2.1.b.i or 2.2.2.b within 7 calendar days (in place of what is normally required) of the temporary or permanent cessation of earth-disturbing activities.

All moist and semi-arid risks are low for all soil types. The only moderate risk is arid at 9 % slope to 15 % slope for 3 categories of soil; and arid for loam, silt, sandy loam, or silt loam for all slopes over 3%. The only times for concern of a risk over "low" is when the slope is over 9%, or when the soil is loam, silt, sandy loam, or silt loam.

If you have a site in moist or semi-arid Utah, the risk will always be low. If you have a site in arid Utah where the slope is 5% and the soil is sandy, your risk is "moderate". After you determine the "risk level" (e.g., "low", "moderate", or "high") that corresponds to your site's location and predominant soil type[4] you determine the controls you must apply.

Table D - 2. Risk Levels for Sites Based on the 3-Zone Precipitation Map for Utah (see Appendix F)

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	
Moist & Semi-Arid	Low	Low	Low	Low	Low	Risk Levels for Sites with Average Slopes of ≤ 3 Percent
Arid	Low	Low	Low	Low	Low	
Moist & Semi-Arid	Low	Low	Low	Low	Low	Risk Levels for Sites with Average Slopes of > 3 Percent and ≤ 6 Percent
Arid	Low	Low	Low	Low	Moderate	
Moist & Semi-Arid	Low	Low	Low	Low	Low	Risk Levels for Sites with Average Slopes of > 6 Percent and ≤ 9 Percent
Arid	Low	Low	Low	Low	Moderate	
Moist & Semi-Arid	Low	Low	Low	Low	Low	Risk Levels for Sites with Average Slopes of > 9 Percent and ≤ 15 Percent
Arid	Low	Moderate	Low	Moderate	Moderate	

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

[4] 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.

to retain. Table D - 3 specifies the requirements that apply based on the "risk level" and buffer width retained. See footnote 3, above, for a description of the additional controls that are required.

For example, if you are the owner/operator of a small residential lot that falls into the "moderate" risk level, and you decide to retain a 20-foot buffer, using Table D-3 you would determine that you need to implement double perimeter controls to achieve compliance with Part 2.1.2.a.

You must also document in your SWPPP your compliance with Alternative 2.

Table D - 3. Alternative 2 Requirements[2]

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[5]

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.

D-4. Estimated 50-foot Buffer Performance in Semi-Arid and Moist Areas*

	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 Bunch Grass (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

D-5. Estimated 50-foot Buffer Performance in Arid Areas*

	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
Medium-density Weeds	56	73	55	66	78
Low-density Warm-season Native Bunch Grass (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

[5] The buffer performances were calculated based on a denuded slope upgradient of a 50-foot buffer and perimeter controls, as perimeter controls are a standard requirement (see Part 2.1.2.b).

ATTACHMENT 2

Using the Sediment Removal Efficiency Tables – Questions and Answers

- What if my specific buffer vegetation is not represented in Tables D – 4, and D- 5. 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 (www.csrees.usda.gov/Extension) for assistance in determining the vegetation types 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 D- 4 through D- 5 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 do so by choosing from a range of available mathematical 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 D-4 through D-5? If your site is located in an area not represented by Tables D-4 through D-5, you should use the table that most closely approximates conditions at your site. You may also 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 surface water, where that water is within 50 feet of your construction activities, you are only required to meet the equivalency requirement for the storm water flows corresponding to those portions of the site. See Example 2 below for an example of how this is expected to work.

ATTACHMENT 3

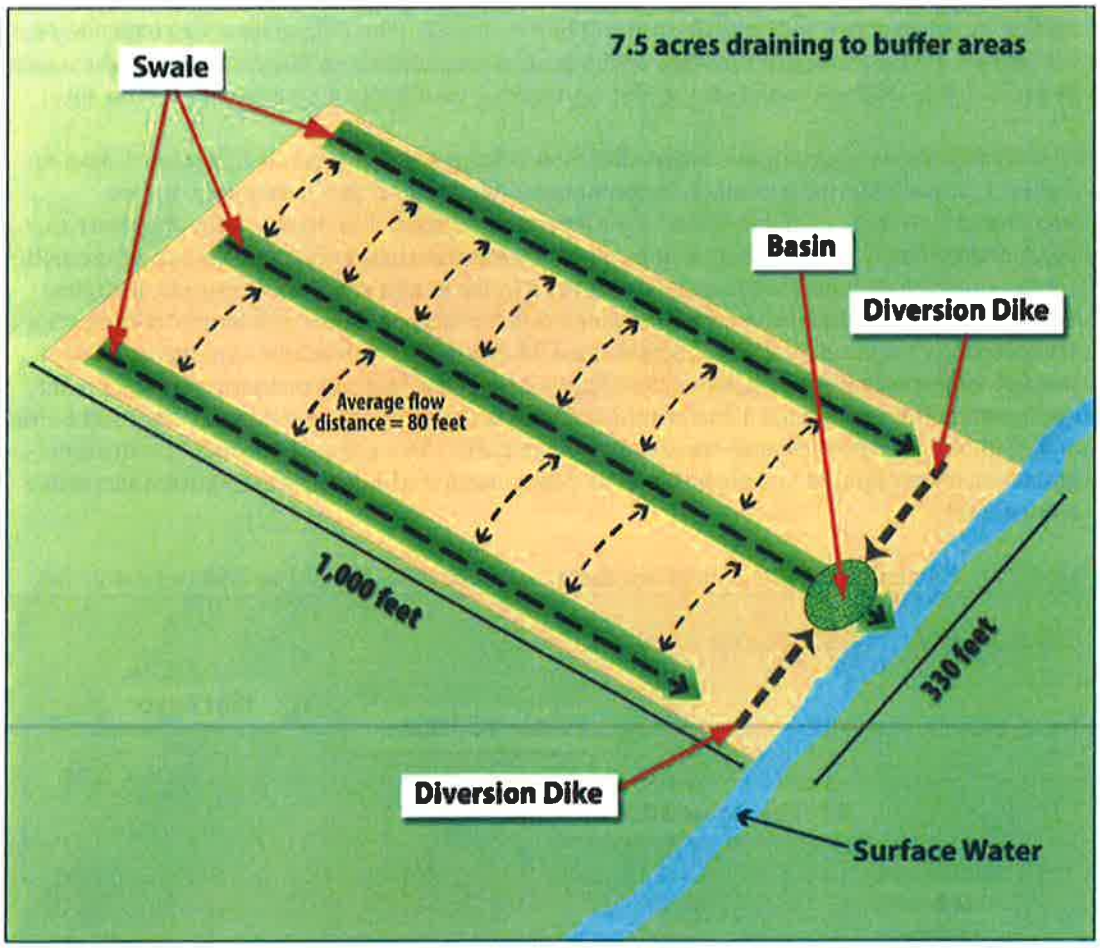
Examples of How to Use the Sediment Removal Efficiency Tables

Example 1. Comparatively Wet Location (7.5 acre site located in Moist Utah)

The operator of a 7.5-acre construction site in Moist Utah has determined that it is infeasible to establish a buffer of any size on their site, and is now required to select and install controls that will achieve an equivalent sediment load reduction as that estimated in Table D- 4 for their site conditions. The first step is to identify what percentage of eroded sediment is estimated to be retained from a 50-foot buffer. For this example, it is assumed that the site has a relatively uniform gentle slope (3 percent), so Table D- 4 can be used to estimate the 50-foot buffer sediment load reduction. If the site's buffer vegetation is best typified by northern mix prairie grass and the underlying soil is of a type best described as loamy sand, the 50-foot buffer is projected to capture 26 percent of eroded sediment from the construction site.

The second step is to determine what sediment controls can be selected and installed in combination with the perimeter controls already required to be implemented at the site (see Part 2.1.2.b), which will achieve the 26 percent sediment removal efficiency from Table D- 4. For this example, using the RUSLE2 profile model, it was determined that installing a pair of shallow sloped diversion ditches to convey runoff to a well-designed and maintained sediment basin provides 99 percent sediment removal. Because the estimated sediment reduction is greater than the required 26 percent that a 50-foot buffer provides, the operator will have met the buffer requirements. See Figure D- 5. The operator could also choose a different set of controls, as long as they achieve at least a 90 percent sediment removal efficiency.

Figure D- 5. Example 1 – Equivalent Sediment Load Reductions at a 7.5 ac Site in moist Utah.



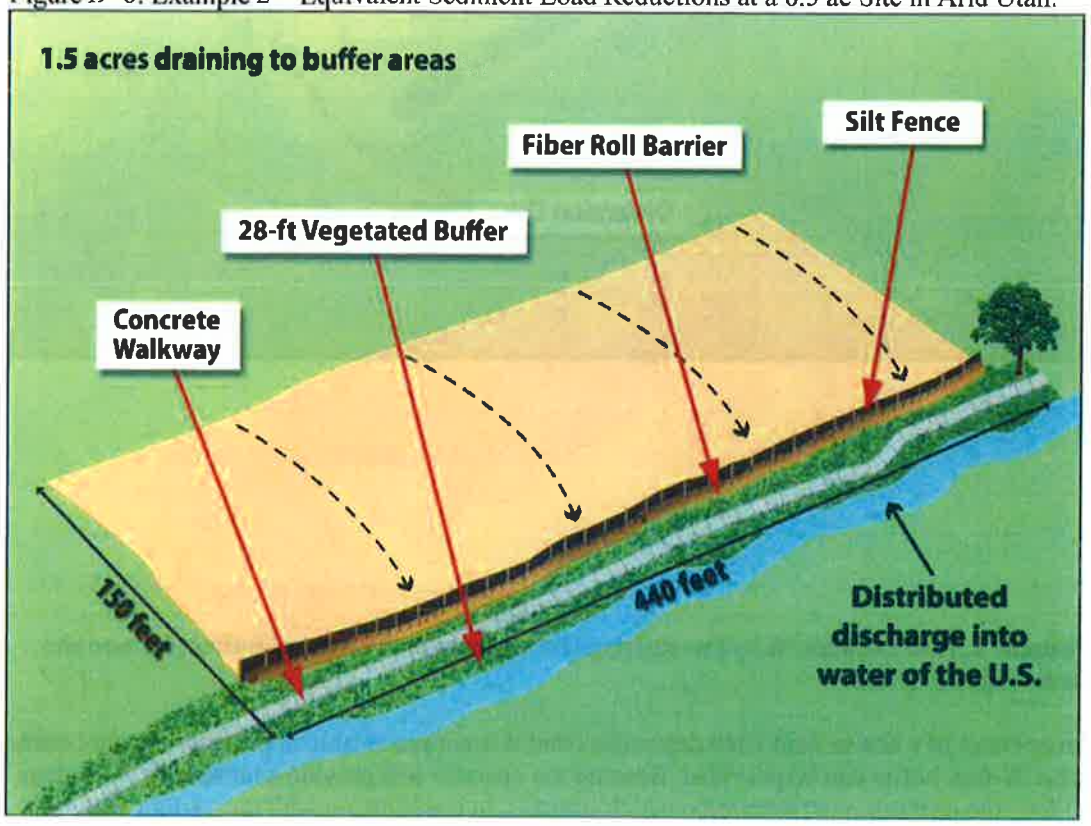
Example 2. Arid Location With Pre-existing Disturbances in the Natural Buffer (6.5 acre site located in Arid Utah)

An operator of a site in Arid Utah determines that it is not practicable 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. Similar to Example 1, the equivalence analysis starts with Step 1 (Part D.2.2.b) with a review of the Arid Utah buffer performance (Table D- 5). The operator determines that the predominate vegetation type in the

buffer area is prairie grass and the soil type is similar to silt, and that 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 D- 5 to estimate that the 50-foot buffer would retain 50 percent of eroded soil.

The second step is to determine, based on the 50 percent sediment removal efficiency found in Table D- 5, 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 2.1.2.b) and the 28-foot buffer will achieve an estimated 84 percent sediment removal efficiency. See Figure D- 6. Note that this operator is subject to the requirement in Part 2.1.2.a.ii.1.) 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.

Figure D- 6. Example 2 – Equivalent Sediment Load Reductions at a 6.5 ac Site in Arid Utah.



Appendix E – List of MS4s with Municipal Storm Water Permits

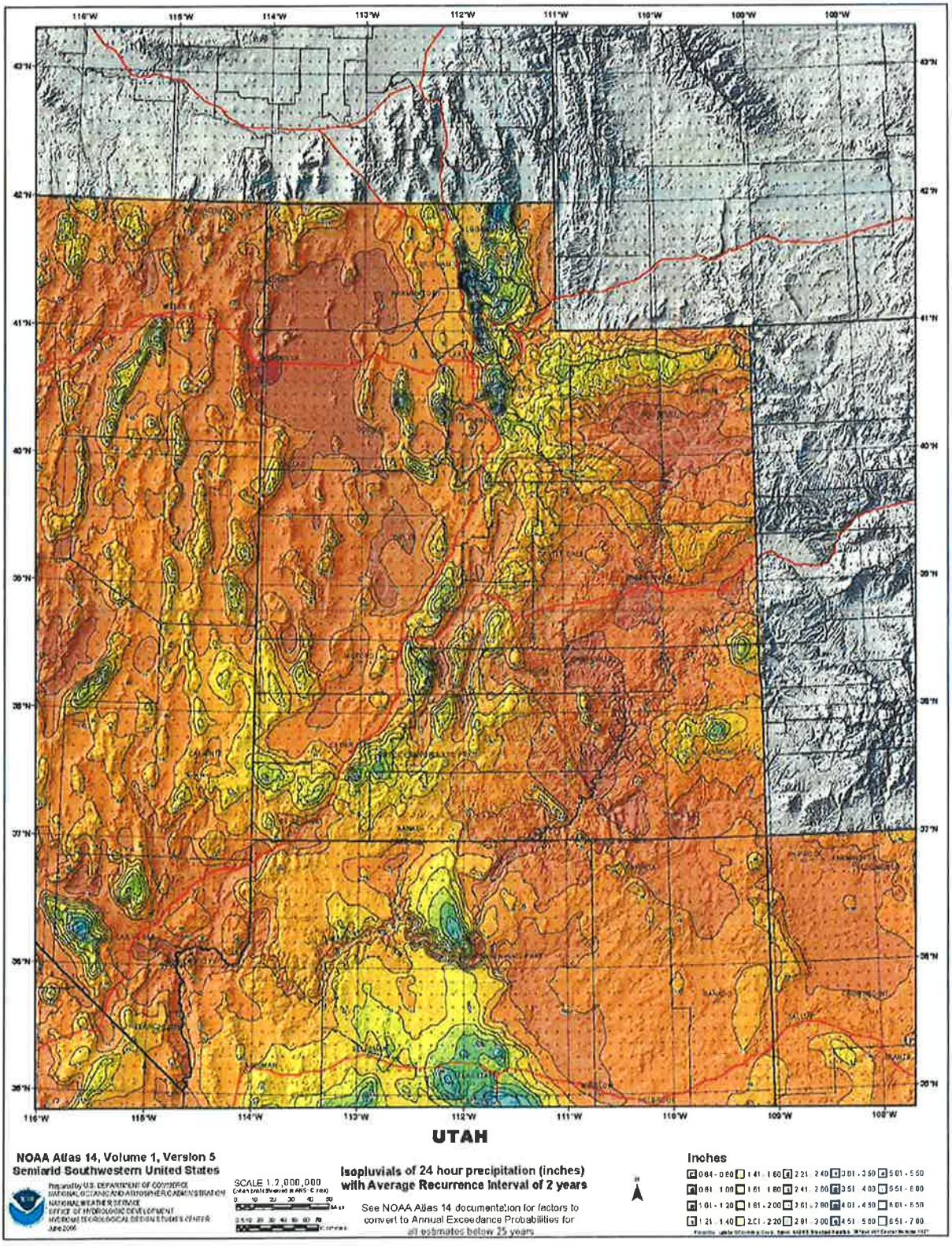
(This appendix is not included in the public notice review as it is for help and assistance to aid compliance and is not regulatory in nature. It may be modified during the term of the permit if the list of MS4s change during the permit term.) The MS4s listed below are regulated by a municipal storm water permit. Under the municipal storm water permit they are required to regulate construction activity in their areas. Areas that are not covered by the MS4s listed below are directly regulated by DWQ.

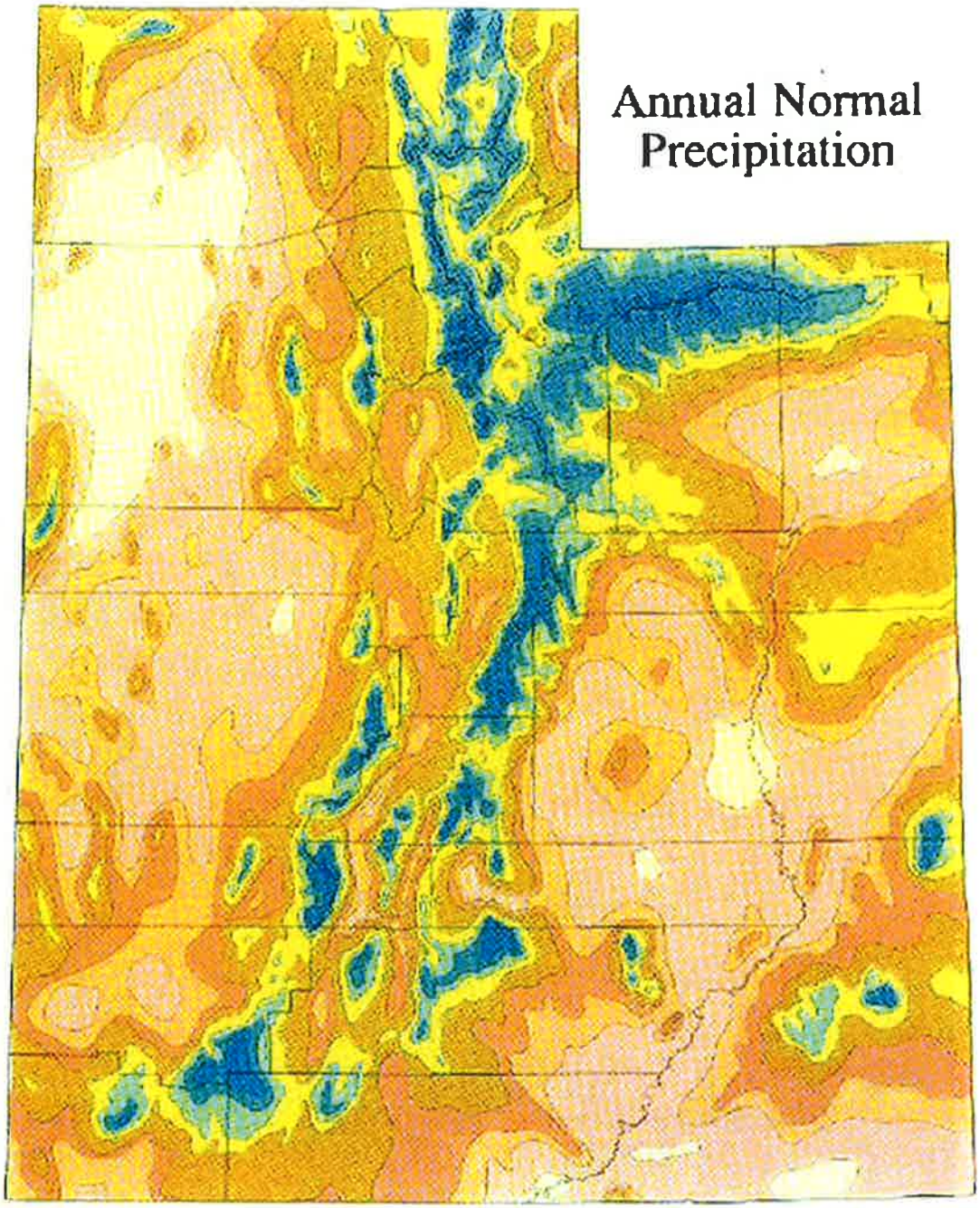
Alpine
American Fork
Bluffdale
Bountiful
Cedar Hills
Centerville
Clearfield
Clinton
Cottonwood Heights
Davis County (unincorporated area)
Draper
Farmington
Farr West City
Fruit Heights
Harrisville
Herriman
Highland
Hill Air Force
Holladay
Hooper
Hyde Park
Hyrum City
Ivins City
Kaysville
Layton
Lehi
Lindon
Logan
Mapleton
Marriott-Slaterville
Midvale
Millville
Murray
Nibley
North Logan City
North Ogden
North Salt Lake
Ogden
Orem
Plain City
Pleasant Grove
Pleasant View
Providence
Provo
River Heights
Riverdale
Riverton
Roy
Salt Lake City
Salt Lake County (unincorporated area)
Sandy
Santa Clara
Smithfield
South Jordan
South Ogden City
South Salt Lake
South Weber
Springville
St. George
Sunset
Syracuse
Taylorsville
UDOT
Uintah City
University of Utah
Utah State Prison
Veterans Affairs Medical Center
Washington
Washington Terrace
Weber County (unincorprated area)
Weber State University
Wellsville
West Bountiful
West Haven
West Jordan
West Point City
West Valley City
Woods Cross

Appendix F – 2-Year, 24-Hour Storm Frequencies in Utah
Average Annual Rainfall in Utah
3 Zone Precipitation Map for Utah

(See next page)

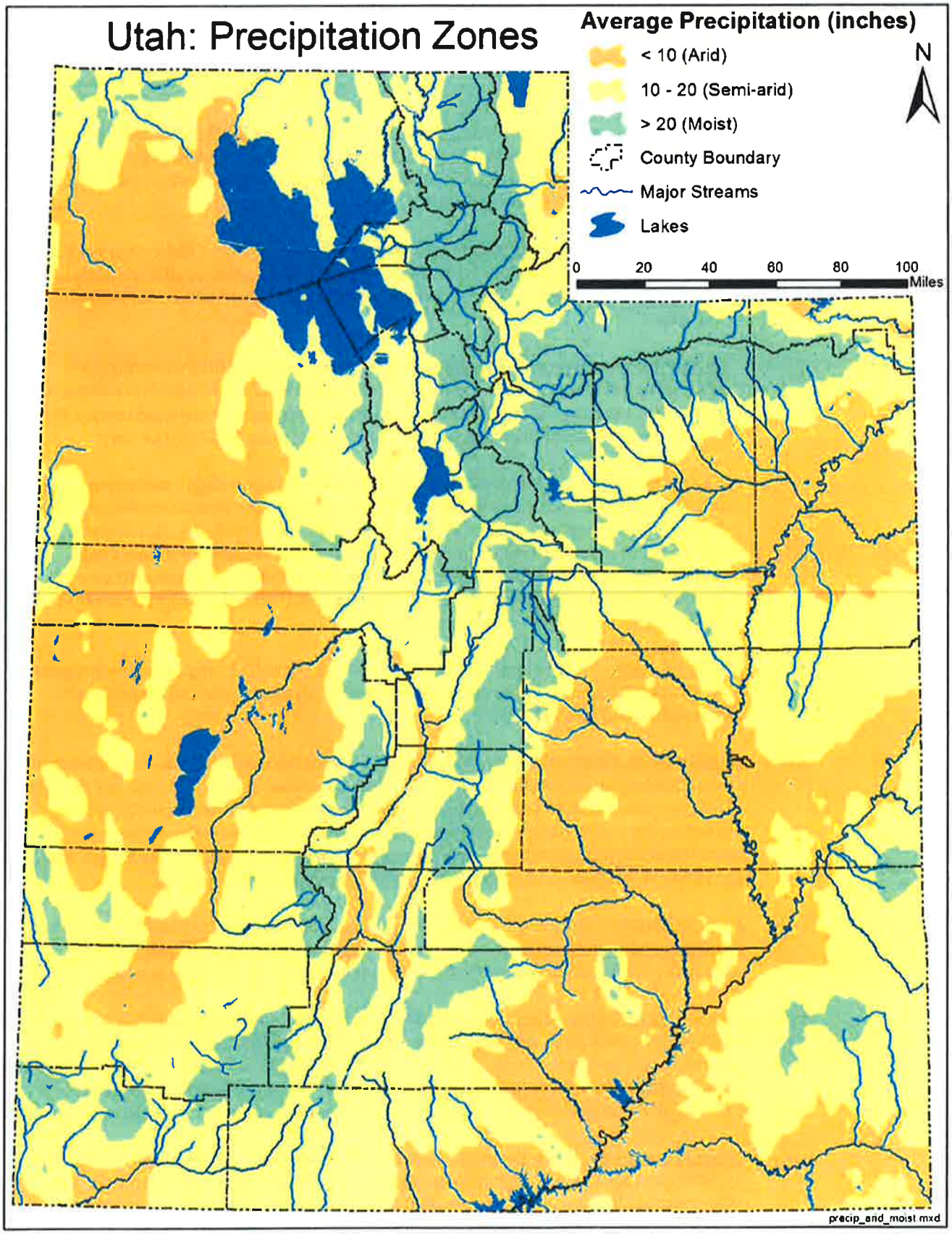
(This appendix is not included in the public notice review as it is for help and assistance to aid compliance and is not regulatory in nature. It may be modified during the term of the permit if it is found that it can be improved on.)


116°W
115°W
114°W
113°W
112°W
111°W
110°W
109°W
108°W
43°N
42°N
41°N
40°N
39°N
38°N
37°N
36°N
35°N
UTAH
NOAA Atlas 14, Volume 1, Version 5
Semiarid Southwestern United States
Prepared by U.S. DEPARTMENT OF COMMERCE
NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION
NATIONAL WEATHER SERVICE
OFFICE OF HYDROLOGIC DEVELOPMENT
HYDROMETEOROLOGICAL DESIGN STUDIES CENTER
June 2006
SCALE 1:2,000,000
Isopluvials of 24 hour precipitation (inches)
with Average Recurrence Interval of 2 years
See NOAA Atlas 14 documentation for factors to
convert to Annual Exceedance Probabilities for
all estimates below 25 years
Inches
0.84 - 0.90
1.41 - 1.60
2.21 - 2.40
3.01 - 3.50
5.01 - 5.50
0.91 - 1.00
1.61 - 1.80
2.41 - 2.60
3.51 - 4.00
5.51 - 6.00
1.01 - 1.20
1.81 - 2.00
2.61 - 2.80
4.01 - 4.50
6.01 - 6.50
1.21 - 1.40
2.01 - 2.20
2.81 - 3.00
4.51 - 5.00
6.51 - 7.00



Legend
Precipitation (In inches)

more than 49.9	25.0-29.9	12.0-15.9	6.0-7.9
40.0-49.9	20.0-24.9	10.0-11.9	less than 6
30.0-39.9	16.0-19.9	8.0-9.9	


Utah: Precipitation Zones
Average Precipitation (inches)
< 10 (Arid)
10 - 20 (Semi-arid)
> 20 (Moist)
County Boundary
Major Streams
Lakes
N
0
20
40
60
80
100
Miles
precip_and_moist.mxd

Appendix G – Standard Permit Conditions

G.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).

G.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

G.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.)

G.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.

G.5. Duty to Provide Information. The permittee shall furnish to the Executive Secretary, within a reasonable time, any information which the Executive Secretary 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 Executive Secretary, upon request, copies of records required to be kept by the permit.

G.6. Other Information. 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.

G.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".

G.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.

G.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.

G.10. Records Retention.

1. The Permittee shall retain copies of SWPPPs 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, access to the SWPPP will continue as described in Part 3.2.

G.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

G.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.

G.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.

G.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.

G.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 2.3 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.

G.16. Signatory Requirements.

1. All Notices of Intent, SWPPPs, reports, certifications or information submitted to the Executive Secretary, or that this Permit requires to be maintained by the Permittee, shall be signed as follows:

1.1. All Notices of Intent shall be signed as follows:

1.1.1. 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;

1.1.2. For a partnership of sole proprietorship: by a general partner or the proprietor, respectively; or

1.1.3. 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).

1.2. All reports required by the Permit and other information requested by the Director or by an authorized representative of the Executive Secretary 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:

1.2.1. The authorization is made in writing by a person described above and submitted to the Director; and

1.2.2. 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).

1.3. Certification. Any person signing documents under this Part G.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.

Appendix H – Notice of Intent Form (NOI)

Please Obtain a copy of the NOI from the DWQ web site at
http://www.waterquality.utah.gov/UPDES/stormwatercon.htm

Appendix I – Notice of Termination (NOT)

Please Obtain a copy of the NOT from the DWQ web site at
http://www.waterquality.utah.gov/UPDES/stormwatercon.htm

Appendix J – Visual Monitoring Form

(This appendix is not included in the public notice review as it is for help and assistance to aid compliance and is not regulatory in nature. It may be modified during the term of the permit if it is found that it can be improved on.)

VISUAL MONITORING FORM

Project Name: _____

Project Location: _____

Name of Sample Taker: _____

Date_____ Time_____

Describe the location of where the sample was taken._____

_____

Describe how the sample was collected:

_____

_____

Weather conditions at time of sample taking (circle all that apply):

Snowing Raining Sunny Cloudy Windy Warm Cold Freezing Other __

COLOR (Circle the one that apply):

Black Dark Grey Medium Grey Light Grey Dark Chocolate Brown

Medium Brown Light Brown Tan Yellow Green Other

Comments:

_____

_____

INTENSITY OF COLOR: Very Intense Prominent Moderately Perceptible Hardly Perceptible

Comments:

_____

_____

CLARITY (Circle the right one):

Totally Opaque Slightly Translucent Translucent Nearly Transparent Transparent/Clear

ODOR (Circle the ones that apply):

Diesel Gasoline Petroleum Solvent Musty Sewage Chlorine

Rotten Egg Sulfur No Odor Noxious Other _____

Comments:

_____

_____

_____

FLOATING SOLIDS

Styrofoam beads sticks/leaves/grass scum film floating particles

(Description): _____

_____

_____

SUSPENDED AND SETTLED SOLIDS (Description)

_____

_____

_____

FOAM, OIL, SHEEN OR OTHER OBVIOUS
INDICATORS OF POLLUTION

_____

_____

_____

Appendix K – Erosivity Waiver Form

The EPA has a web site that automatically calculates the "R" factor that web site is:
http://cfpub1.epa.gov/npdes/stormwater/LEW/lewCalculator.cfm

EROSIVITY WAIVER FORM

Owner: _____

Address: _____

City: _____ State: _____ zip: _____

Contact Person: _____ Phone: _____

Email: _____

General Contractor: _____

Address: _____

City: _____ State: _____ zip: _____

Contact Person: _____ Phone: _____

Email: _____

Project Name: _____

Address: _____

City: _____ State: _____ zip: _____

Factors Needed for Calculation of R Factor

Latitude: _____

Longitude: _____

Start Date: _____

End Date: _____

"R" Factor Value: _____

Hand calculated ☐ EPA calculated ☐

The Project Should not Extend Past the End Date

If the project continues beyond the end date submitted in the waiver the owner must recalculate the "R" factor using the new end date. If the new "R" factor is 5 or more the owner must immediately obtain coverage under the UPDES CGP. The waiver should only be used if the owner has confidence the project can be completed within the start and end date submitted in the waiver.

Appendix L – Example Self-Inspection Form

(This appendix is not included in the public notice review as it is for help and assistance to aid compliance and is not regulatory in nature. It may be modified during the term of the permit if it is found that it can be improved on.)

CONSTRUCTION STORM WATER SELF-INSPECTION FORM

Inspection General Information

Project Name	Date
Address/Location	Start Time
City State zip	End Time

Contractor Name	Inspector Name
Address	Inspector Phone
City State zip	Inspector Qualifications

Local Jurisdiction	UPDES Permit No.
Permit Coverage Date	Permit Expiration Date

Weather Conditions

Windy ☐ Hot ☐ Cold ☐ Temperate ☐ Raining ☐ Snowing ☐
Clear ☐ Partly Cloudy ☐ Heavy Clouds ☐ Wet Conditions ☐ Dry Conditions ☐

Precipitation Events Since the Last Inspection

Day of Event _____ Duration of Event _____ Inches of Precip. _____

Inspection Schedule

Weekly ☐ Bi-weekly & after a half inch event ☐ Other (specify) _____

Construction Phase

Clearing/Grubbing ☐ Demolition ☐ Grading/Excavation ☐ Utilities/Foundation Work ☐
Above Ground Erection ☐ Landscaping/Paving ☐

Permit Requirements to Look For

Water Bodies & Buffer Zones ☐ Discharge to High Quality or Sensitive Water ☐

Off site areas of the Project ☐ Areas over 14 days w/o stabilization ☐ Perimeter Controls ☐

Good House Keeping (track out, waste disposal, sanitary, washout areas) ☐ Material Storage ☐

SWPPP planned SW controls ☐ Discharge Points ☐ SWPPP is updated with site ☐

Accumulations of Sediment ☐ Places where SW controls are needed ☐

BMP Designation	Okay	Not Okay	BMP Condition, Corrective Action Required
Are all pollution sources controlled? Do any other problems exist?			
[BMP # and Name] From SWPPP Template			
[BMP # and Name] From SWPPP Template			
[BMP # and Name] From SWPPP Template			
[BMP # and Name] From SWPPP Template			
[BMP # and Name] From SWPPP Template			
[BMP # and Name] From SWPPP Template			
[BMP # and Name] From SWPPP Template			
[BMP # and Name] From SWPPP Template			
[BMP # and Name] From SWPPP Template			
[BMP # and Name] From SWPPP Template			
[BMP # and Name] From SWPPP Template			

Overall Site Conditions (These pages are suggested if the permittee chooses. They can be deleted if desired)

Concerns to be Checked	Implemented Y/N/NA	Maintained Y/N/NA	Corrective Action	Date Corrected
Are all slopes and disturbed areas not actively being worked properly stabilized?				
Are all water bodies (e.g., streams, wetlands) protected with buffers or similar BMPs?				
Are perimeter controls and sediment controls properly installed and maintained (anchored into soil)?				
Has the sediment build up been removed from BMPs designed to catch sediment?				
Are discharge points and receiving waters free of any sediment deposits?				
Is all sediment that has been deposited off site cleaned up?				
Are storm drain inlets properly protected?				
Does the construction exit have a track out pad (or other BMP)?				
Is the track out pad (or other BMP) effective in preventing sediment from being tracked into the street?				
Is trash/litter from work areas collected and placed in covered dumpsters?				
Are washout facilities (e.g., paint, stucco, concrete) available, clearly marked, and maintained?				
Are vehicle/equipment fueling, cleaning, and maintenance areas managed properly with no illicit discharges?				
Are fuels and construction materials and chemicals that are potential storm water contaminants covered or in secondary containment?				
Are non-storm water discharges (e.g., wash water, dewatering, wheel washing) properly controlled?				
Is run-on prevented or properly managed?				
Are there locations where additional BMP's are necessary?				
Are material piles protected from weather and placed on hard surfaces only day by day for placement and not for storage?				
Are all BMPs and storm water control measures accurately shown and updated on the SWPPP map?				

Corrective Action Log

Date & Time of Inspection or Random Notice of Problem	Inspection or Randomly Noticed	BMP # and Name	Description of BMP Deficiency (or reference the inspection report)	Initial	Correction Date	How the BMP was Corrected	SWPPP Change Y/N

Signature Block

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 contained therein. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information contained 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.	
Print Name of Inspector	Date
Signature	

Appendix M – Notice for New Owner/Operators

Ownership Transfer Form

Upon transfer of ownership or control of the subject property under this Permit (see section 8.2.2.a.) coverage under the UPDES CGP must continue until stabilization requirements are satisfied according to permit requirements. This requirement may be met by either of the following **transfer options** (this form is must be filled out and submitted to DWQ in either case):

1. Obtaining coverage under a new and independent Notice of Intent (NOI – the application process to procure coverage under the UPDES CGP). This results in a new permit tracking number for the new owner.
2. Coordinating with the previous owners and the State of Utah, Department of Environmental Quality, Division of Water Quality where ownership, other information, and signatures (including electronic certifications) contained in the NOI that is current for the property is changed to reflect the change in ownership and responsible parties for conducting construction activities (general contractor). For this step the new owner would assume the responsibilities of the original CGP coverage. This continues the original permit tracking number.

Name of Previous Owner _____ Telephone Number _____

Address of Previous Owner _____ City _____ State _____ Zip _____

Signature of Previous Owner _____ Date _____

Name of New Owner _____ Telephone Number _____

Address of New Owner _____ City _____ State _____ Zip _____

Signature of New Owner _____ Date _____

Name of Previous Operator Telephone Number

Address of Previous Operator City State Zip

Signature of Previous Operator Date

Name of New Operator Telephone Number

Address of New Operator City State Zip

Signature of New Operator Date

PROJECT NAME AND LOCATION

Previous Permit Number Name of Project

Address of Project City State Zip

Longitude Latitude

WHAT KIND OF TRANSFER: PARTIAL OR TOTAL?

Is this a transfer of ownership of partial or total of the permitted area? Partial ☐ Total ☐

If this is a transfer of part of the permitted area to a new owner, describe what part:

_____

_____

_____

Will there be a new SWPPP prepared? YES ☐ NO ☐

Please update the General Contractor Information (see transfer options 1 or 2, first page). If this is a partial transfer the only option is 1.

This form must be submitted to the Municipality of Jurisdiction and DWQ

To submit to DWQ either email to the construction storm water coordinator or,
FAX to 801-535-4301
Or mail to DWQ
PO Box 144870
Salt Lake City, UT 84114-4870

COMMON PLAN OF DEVELOPMENT PERMIT

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, 2016.

This permit and the authorization to discharge expire at midnight on January 31, 2021.

Signed this 20 day of January, 2016

Walter L. Baker, P.E.
Director

DWQ-2016-002081

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General Storm Water Permit for Construction Activity Connected with Single Lot Housing Projects
UPDES Permit No. UTRH00000

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 tracking 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. Multiple lots may be covered under one tracking 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.

1.2. 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 http://www.waterquality.utah.gov/UPDES/stormwatercon.htm. Click on "Application for a Storm Water Permit". 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 UTRC00000 permit.** 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 paper form obtained from the same website cited above along with the permit fee. The paper 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

tracking number and the opportunity to copy the NOI for "proof of coverage." A copy of this permit may be downloaded from the DEQ website at http://www.deq.utah.gov/Permits/water/updes/stormwatercon.htm.

1.5. Signature on the NOI. The owner and the general contractor, which in some cases could be the same party, must sign the paper copy of the NOI (see 5.16.1.a) and place it in the storm water pollution prevention plan (SWPPP) (see 4.2.8).

1.6. 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.

1.7. 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. 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. For projects within the jurisdiction of a regulated MS4 (see definitions in Part 6; the list of regulated MS4's is found on http://www.deq.utah.gov/Permits/water/updes/stormwatermun.htm), the permittee must also notify and receive approval for the project from the regulated MS4 having jurisdiction before the project may commence (see 4.2.10.). 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:

1.7.1. The permittee completes the notice of termination (NOT) process, as outlined in section 1.8,

1.7.2. The permittee fails to submit the yearly permit fee,

1.7.3. 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.

1.7.3.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.

1.7.3.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.

1.7.4. 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.

1.8. 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):

1.8.1. The landscaping is completed and the site meets "final stabilization" requirements (see part 6, definitions, for final stabilization).

1.8.2. 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 derees) or greater to prevent erosion and soil migration offsite;

1.8.3. The permittee must submit a paper 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.

1.9. 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.

1.10. 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, an email address for the owner or general contractor, 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 placed and the holding area will be swept clean the same day it is dropped. If stored temporarily 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 constructionsite. Protection may be, but is not limited to, rock wattles, sand bags, proprietary devices, or other. Rock wattles and sand 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.

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. This may be accomplished using experience, estimates, and good judgement; 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.

2.3.5. *Thirty-Foot Vegetative Buffer*. If a waterbody is adjacent to, within 30 feet from, or passing through the project boundaries, a 30-foot natural buffer between the waterbody and construction activity must be provided. If a 30-foot natural buffer cannot be provided, a substitute control measure equivalent to the 30-foot buffer must be provided, or the SWPPP must contain an explanation why neither is feasible. If it is not feasible to maintain a 30-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 30-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 10 feet of natural vegetative buffer or substitute controls, or if within 25feet from the project boundary, there must be 5 feet of natural vegetative buffer or substitute controls, and so forth.

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 30-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 plastic film-lined pit or sealed 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.

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 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 chemical spill and leak prevention and response procedures.

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.

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.

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: Corrective action must be completed before the next weekly inspection.

3.6. Inspections by an Oversight Authority. A copy of an oversight inspection report must be filed and be available for review during other oversight inspections.

3.7. Record Keeping. Records regarding this permit, the NOI, 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 off site,

4.2.3.h. Areas that will be temporarily or permanently stabilized during the construction period.

4.2.4. *Thirty-Foot Natural Buffer*. The SWPPP must show the dimensions and placement of the 30-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. *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).

4.2.6. *Waste Management*. Waste management procedures including soil removal, clearing debris removal, demolition removal, trash disposal, construction-waste disposal, and sanitary-waste disposal.

4.2.7. *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.

4.2.8. *NOI and Permit*. The SWPPP must contain a copy of this permit and a copy of the NOI for the project.

4.2.9. *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.

4.2.10. *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 on http://www.deq.utah.gov/Permits/water/updes/stormwatermun.htm), the SWPPP must contain the signature and date of the MS4 reviewer who has approved the proposed project for construction (see 1.7.).

4.2.11. *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.

4.2.12. *Required Modifications of the SWPPP.* The SWPPP must be modified as follows:

4.2.12.a. During inspections when it is determined from observations of site conditions that storm water control measures are:

4.2.12.a.i. Not adequate or not shown in the SWPPP, or

4.2.12.a.ii. Changes in the SWPPP are necessary for compliance with this permit.

4.2.12.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.

4.2.13. *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 $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 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.

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).

INTERLOCAL AGREEMENTS

Agreement No. 2014-111

INTERLOCAL COOPERATION AGREEMENT FOR NPDES PHASE II STORM WATER PUBLIC EDUCATION AND OUTREACH BEST MANAGEMENT PRACTICE COMPLIANCE

THIS AGREEMENT, is entered into this 11th day of February, 2014, by and between PROVO, OREM, PLEASANT GROVE, AMERICAN FORK, SPRINGVILLE, SPANISH FORK, LEHI, PAYSON, UTAH COUNTY, LINDON, HIGHLAND, ALPINE, MAPLETON, SALEM, CEDAR HILLS, and EAGLE MOUNTAIN, political subdivisions of the State of Utah.

WITNESSETH:

WHEREAS, pursuant to the provisions of the Interlocal Cooperation Act, Title 11, Chapter 13, Utah Code Annotated, 1953 as amended, public agencies, including political subdivisions of the State of Utah as therein defined, are authorized to enter into written agreements with one another for joint or cooperative action; and

WHEREAS, the parties to this Agreement are public agencies as defined in the Interlocal Cooperation Act; and

WHEREAS, the parties desire to establish a joint undertaking to comply with National Pollution Discharge Elimination System (NPDES) Phase II Storm Water Permit Coverage;

NOW, THEREFORE, the parties do mutually agree, pursuant to the terms and provisions of the Interlocal Cooperation Act, as follows:

Section 1. EFFECTIVE DATE; DURATION

This Interlocal Cooperation Agreement shall become effective and shall enter into force, within the meaning of the Interlocal Cooperation Act, upon the submission of this Interlocal Cooperation Agreement to, and the approval and execution thereof by Resolution of the governing

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bodies of each of the parties to this Agreement. Unless otherwise terminated as provided for herein, this Interlocal Cooperation Agreement shall be effective for a period of up to, but not exceeding, fifty (50) years. This Interlocal Cooperation Agreement shall not become effective until it has been approved by Resolution of all parties and reviewed as to proper form and compliance with applicable law by the attorney authorized to represent each of the parties hereto. Prior to becoming effective, this Interlocal Cooperation Agreement shall be filed with the official keeper of records of each of the parties hereto.

Section 2. ADMINISTRATION OF AGREEMENT

The parties to this Agreement do not contemplate nor intend to establish a separate legal entity under the terms of this Interlocal Cooperation Agreement. The parties hereto agree that, pursuant to Section 11-13-207, Utah Code Annotated, 1953 as amended, UTAH COUNTY shall act as the administrator responsible for the administration of this Interlocal Cooperation Agreement. The parties further agree that this Interlocal Cooperation Agreement does not anticipate nor provide for any organizational changes in the parties. The administrator agrees to keep all books and records in such form and manner as the Utah County Clerk/Auditor shall specify and further agrees that said books shall be open for examination by all parties to this Agreement, at reasonable times. The parties agree that they will not acquire, hold nor dispose of real or personal property pursuant to this Interlocal Agreement during this joint undertaking.

Section 3. PURPOSES

This Interlocal Cooperation Agreement has been established and entered into between the parties, for the purpose of a joint undertaking to comply with NPDES Phase II Storm Water Permit Public Education and Outreach Best Management Practices.

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Section 4. MANNER OF FINANCING

The parties agree that they shall provide the following resources and/or assistance for this joint undertaking:

a. COUNTY shall act as the administrator of this Agreement, pursuant to the terms of Section 2 hereof, and shall :

1. Schedule and conduct Utah County Storm Water Coalition meetings which are necessary to correlate activities, set proposed budgets, and provide training opportunities.

2. Provide information regarding best management practices for preventing storm water pollution that can be placed in a newsletter or other form of communication as determined by each member agency to be distributed to the public as each agency deems appropriate.

3. Maintain contract with approved Storm Water Educational Instructor and ensure proper teaching material is being presented. Maintain a master list of approved schools to be given to approved Storm Water Educational Instructor. Provide for each member agency a list of schools visited, the dates of all visits, an estimated number of attending students, and the number of classes taught.

4. Become a central warehouse for storm water educational materials and provide on demand materials for distribution. These materials could include informational pamphlets, activity books, pencils, note pads, magnets, videos, etc.

5. Maintain storage of display information for booths to be used for city and

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county activities and other events.

6. Provide, maintain, and promote an information system to the public for the disposal of household materials and chemicals to include internet and phone services. Citizens will be able to call a local, countywide phone number or access a website where gathered information for disposal sites will be distributed.

b. Each party to this agreement will pay to Utah County within 30 days of receipt of an annual invoice from Utah County, the sums listed in Exhibit A to this Agreement, said sums to be used solely for the NPDES Storm Water Phase II Public Education and Outreach Best Management Practices. The sums listed in Exhibit A shall be reviewed, approved, and modified by agency representatives on an annual basis, based on a combination of the percentage of the party's total population to the total population of the County as determined by the most recent Mountainland Association of Government figures and the percentage of the party's total number of schools to the total school count as submitted by the member agencies.

Section 5. METHOD OF TERMINATION

This Interlocal Cooperation Agreement will automatically terminate at the end of its term herein, pursuant to the provisions of paragraph one (1) of this Agreement. Prior to the automatic termination at the end of the term of this Agreement, any party to this Agreement may terminate its participation in and responsibilities under this Agreement at any time and for any reason by providing a sixty (60) day written notice of termination to the other parties. This Agreement may not be terminated in any event, if termination would cause a violation of the parties' NPDES Storm Water Permit.

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Section 6. INDEMNIFICATION

The parties to this Agreement are public entities. Each party agrees to indemnify and save harmless the other for damages, claims, suits, and actions arising out of a negligent error or omission of its own officials or employees in connection with this Agreement.

Section 7. ADDITION OF OTHER MEMBERS

Other entities may become parties to this Interlocal Cooperation Agreement, by executing an Addendum to this Agreement. In order for an entity to be added to this Agreement by Addendum, the Addendum must be approved by resolution of the governing body of the entity to be added and the Addendum must be reviewed for proper form and compliance with applicable law by the attorney for the entity to be added. Prior to becoming effective, this Interlocal Cooperation Agreement and any Addendum shall be filed with the official keeper of records of the entity being added to this Agreement.

Section 8. FILING OF INTERLOCAL COOPERATION AGREEMENT

Executed copies of this Interlocal Cooperation Agreement shall be filed with the official keeper of records of all parties to this Agreement and shall remain on file for public inspection during the term of this Interlocal Cooperation Agreement.

Section 9. ADOPTION REQUIREMENTS

This Interlocal Cooperation Agreement shall be (a) approved by Resolution of the governing body of each of the parties, (b) executed by a duly authorized official of each of the parties (c) submitted to and approved by an Authorized Attorney of each of the parties, as required by Section 11-13-202.5(3), Utah Code Annotated, 1953 as amended, and (d) filed in the official records of each party.

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Section 10. LAWFUL AGREEMENT

The parties represent that each of them has lawfully entered into this Agreement, having complied with all relevant statutes, ordinances, resolutions, by-laws, and other legal requirements applicable to their operation.

Section 11. AMENDMENTS

This Interlocal Cooperation Agreement may not be amended, changed, modified or altered except by an instrument in writing which shall be (a) approved by Resolution of the governing body of each of the parties, (b) executed by a duly authorized official of each of the parties, (c) submitted to and approved by an Authorized Attorney of each of the parties, as required by Section 11-13-202.5(3), Utah Code Annotated, 1953 as amended, and (d) filed in the official records of each party.

Section 12. SEVERABILITY

If any term or provision of the Interlocal Cooperation Agreement or the application thereof shall to any extent be invalid or unenforceable, the remainder of this Interlocal Cooperation Agreement, or the application of such term or provision to circumstances other than those with respect to which it is invalid or unenforceable, shall not be affected thereby, and shall be enforced to the extent permitted by law. To the extent permitted by applicable law, the parties hereby waive any provision of law which would render any of the terms of this Interlocal Cooperation Agreement unenforceable.

Section 13. NO PRESUMPTION

Should any provision of this Agreement require judicial interpretation, the Court interpreting or construing the same shall not apply a presumption that the terms hereof shall be more strictly construed against the party, by reason of the rule of construction that a document is to be construed more strictly against the person who himself or through his agents prepared the same, it being

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acknowledged that all parties have participated in the preparation hereof.

Section 14. BINDING AGREEMENT

This Agreement shall be binding upon the heirs, successors, administrators, and assigns of each of the parties hereto.

Section 15. NOTICES

All notices, demands and other communications required or permitted to be given hereunder shall be in writing and shall be deemed to have been properly given if delivered by hand or by certified mail, return receipt requested, postage paid, to the parties' recorder or clerk/auditor as the case may be; or at such other addresses as may be designated by notice given hereunder.

Section 16. ASSIGNMENT

The parties to this Agreement shall not assign this Agreement, or any part hereof, without the prior written consent of all other parties to this Agreement. No assignment shall relieve the original parties from any liability hereunder.

Section 17. GOVERNING LAW

All questions with respect to the construction of this Interlocal Cooperation Agreement, and the rights and liability of the parties hereto, shall be governed by the laws of the State of Utah.

Section 18. ENTIRE AGREEMENT

This Agreement shall constitute the entire Agreement between the parties and any prior understanding or representation of any kind proceeding the date of this Agreement shall not be binding upon either party except to the extent incorporated in this Agreement.

IN WITNESS WHEREOF, the parties have signed and executed this Interlocal Cooperation Agreement, after resolutions duly and lawfully passed, on the dates listed below:

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UTAH COUNTY

Authorized by Resolution No. 2014-20, authorized and passed on the 11th day of February, 2014.

BOARD OF COUNTY COMMISSIONERS
UTAH COUNTY, UTAH

By: _____
GARY J. ANDERSON, Chairman

ATTEST: Bryan Thompson
Utah County Clerk/Auditor

By: _____
Deputy

APPROVED AS TO PROPER FORM AND
COMPLIANCE WITH APPLICABLE LAWS:
Jeff Buhman, Utah County Attorney

By: _____
Deputy Utah County Attorney

PROVO CITY STORM WATER SERVICE DISTRICT

_____
Mayor of Provo
TITLE

ATTEST: _____
RECORDER FOR DISTRICT

PROVO CITY SEAL
INDUSTRY AND COMMERCE
UTAH COUNTY, UTAH

APPROVED AS TO PROPER FORM AND
COMPLIANCE WITH APPLICABLE LAWS:

_____
ATTORNEY FOR DISTRICT

CITY OF OREM

Mayor

ATTEST: _____
RECORDER FOR CITY

APPROVED AS TO PROPER FORM AND
COMPLIANCE WITH APPLICABLE LAWS:

_____
ATTORNEY FOR CITY

CITY OF PLEASANT GROVE

Mayor

ATTEST: _____
RECORDER FOR CITY

APPROVED AS TO PROPER FORM AND
COMPLIANCE WITH APPLICABLE LAWS:

_____
ATTORNEY FOR CITY

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CITY OF AMERICAN FORK

Mayor

ATTEST:

DEPUTY RECORDER FOR CITY

APPROVED AS TO PROPER FORM AND COMPLIANCE WITH APPLICABLE LAWS:

ATTORNEY FOR CITY

CITY OF SPRINGVILLE

Mayor

ATTEST:

RECORDER FOR CITY

APPROVED AS TO PROPER FORM AND COMPLIANCE WITH APPLICABLE LAWS:

ATTORNEY FOR CITY

CITY OF SPANISH FORK

Mayor

ATTEST: Kent R. Clark
RECORDER FOR CITY

APPROVED AS TO PROPER FORM AND COMPLIANCE WITH APPLICABLE LAWS:

Asst. ATTORNEY FOR CITY

CITY OF LEHI

Mayor

ATTEST:
RECORDER FOR CITY

APPROVED AS TO PROPER FORM AND COMPLIANCE WITH APPLICABLE LAWS:

Ryan V. Wood
ATTORNEY FOR CITY

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CITY OF PAYSON

Mayor

ATTEST: Jeanette C. Winder
RECORDER FOR CITY

APPROVED AS TO PROPER FORM AND COMPLIANCE WITH APPLICABLE LAWS:

ATTORNEY FOR CITY

CITY OF LINDON

Mayor

ATTEST: Kathryn Moosman
RECORDER FOR CITY

APPROVED AS TO PROPER FORM AND COMPLIANCE WITH APPLICABLE LAWS:

ATTORNEY FOR CITY

CITY OF HIGHLAND

Mayor

ATTEST:
RECORDER FOR CITY

HIGHLAND CITY
CORPORATE SEAL
STATE OF UTAH

APPROVED AS TO PROPER FORM AND COMPLIANCE WITH APPLICABLE LAWS:

ATTORNEY FOR CITY

CITY OF ALPINE

Mayor

ATTEST:
RECORDER FOR CITY

Alpine City
CORPORATE
Seal
Utah County, Utah

APPROVED AS TO PROPER FORM AND COMPLIANCE WITH APPLICABLE LAWS:

ATTORNEY FOR CITY

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CITY OF MAPLETON

Mayor

ATTEST:

RECORDER FOR CITY

MAPLETON CITY CORPORATION
UTAH COUNTY, STATE OF UTAH

APPROVED AS TO PROPER FORM AND
COMPLIANCE WITH APPLICABLE LAWS:

ATTORNEY FOR CITY

CITY OF SALEM

Mayor

ATTEST:

RECORDER FOR CITY

SALEM CITY
CORPORATE
SEAL
UTAH COUNTY, UTAH

APPROVED AS TO PROPER FORM AND
COMPLIANCE WITH APPLICABLE LAWS:

ATTORNEY FOR CITY

CITY OF CEDAR HILLS

Mayor

ATTEST: Colleen A. Mulvey
RECORDER FOR CITY

APPROVED AS TO PROPER FORM AND COMPLIANCE WITH APPLICABLE LAWS:

ATTORNEY FOR CITY

CITY OF EAGLE MOUNTAIN

Mayor

ATTEST:
RECORDER FOR CITY

APPROVED AS TO PROPER FORM AND COMPLIANCE WITH APPLICABLE LAWS:

ATTORNEY FOR CITY

Based on 2014-2015 Total Schools to be Visited

STORM WATER COALITION

MEMBER AGENCY ANNUAL FEE SCHEDULE

CITY	POPULATION COUNT	%	$	SCHOOL COUNT	%	$	BILL AMOUNT $	
PROVO	112488	22.54%	$ 2,866	15	14.15%	$ 6,109	$ 8,975	0.16
OREM	88328	17.70%	$ 2,251	18	16.98%	$ 7,331	$ 9,582	0.17
PLEASANT GROVE	33509	6.72%	$ 854	7	6.60%	$ 2,851	$ 3,705	0.07
AMERICAN FORK	26263	5.26%	$ 669	6	5.66%	$ 2,444	$ 3,113	0.06
SPRINGVILLE	29466	5.91%	$ 751	6	5.66%	$ 2,444	$ 3,194	0.06
SPANISH FORK	34691	6.95%	$ 884	10	9.43%	$ 4,073	$ 4,957	0.09
LEHI	47407	9.50%	$ 1,208	9	8.49%	$ 3,666	$ 4,873	0.09
PAYSON	18294	3.67%	$ 466	5	4.72%	$ 2,036	$ 2,503	0.04
COUNTY	10009	2.01%	$ 255				$ 255	0.01
LINDON	10070	2.02%	$ 257	3	2.83%	$ 1,222	$ 1,478	0.03
HIGHLAND	15523	3.11%	$ 396	4	3.77%	$ 1,629	$ 2,025	0.04
ALPINE	9555	1.91%	$ 243	3	2.83%	$ 1,222	$ 1,465	0.03
MAPLETON	7979	1.60%	$ 203	2	1.89%	$ 815	$ 1,018	0.02
SALEM	6423	1.29%	$ 164	4	3.77%	$ 1,629	$ 1,793	0.03
CEDAR HILLS	9796	1.96%	$ 250	2	1.89%	$ 815	$ 1,064	0.02
EAGLE MOUNTAIN	21415	4.29%	$ 546	5	4.72%	$ 2,036	$ 2,582	0.05
SARATOGA SPRINGS	17781	3.56%	$ 453	7	6.60%	$ 2,851	$ 3,304	0.06
TOTAL	498997	100.00%	$ 12,714	106	100.00%	$ 43,172	$ 55,886	

*Population count based on 2010 Census figures as per Mountainland Association of Governments

MAINTENANCE AGREEMENT BOILER PLATE

STATE OF UTAH **CITY OF ALPINE**

Stormwater Facilities Maintenance Agreement

WHEREAS, the Property Owner _____
recognizes that the wet or extended detention facility or facilities (hereinafter referred to as "The Facility" or "Facilities") must be maintained for Utah County Parcel Number _____

WHEREAS, the Property Owner is the owner of real property more particularly described on the attached Exhibit A; and,

WHEREAS, The City of Alpine (hereinafter referred to as "the City") and the Property Owner, or its administrators, executors, successors, heirs, or assigns, agree that the health, safety and welfare of the citizens of the City require that The Facilities be constructed and maintained on the property; and,

WHEREAS, the City requires that Facility or Facilities as shown on the approved development plans and specifications, which are more specifically described in Exhibit B hereto, be constructed and maintained by the Property Owner, its administrators; executors, successors, heirs, or assigns.

NOW, THEREFORE, in consideration of the foregoing premises, the mutual covenants contained herein, and the following terms and conditions, the parties hereto agree as follows:

SECTION 1.
The Facility or Facilities shall be constructed by the Property Owner in accordance with the plans and specifications for the development and in accordance with Alpine City specifications.

SECTION 2.
The Property Owner, its administrators, executors, successors, heirs or assigns shall maintain the Facility or Facilities in good working condition acceptable to the City and in accordance with the Private Stormwater Management Facility Operation and Maintenance Manual (hereinafter referred to as the "O&M Manual") as adopted by Alpine City. In the event that an O&M Manual does not cover site specific requirements, those requirements shall be added as Special Provisions, attached as Exhibit D. The Owner agrees to cause inspection of the Facilities, at the Owner's expense, by a person experienced in the inspection of stormwater facilities. Inspections shall occur at least once every calendar year. An inspection report shall be submitted in writing to the City prior to July15th of each year for the Facilities. The inspection report shall be in accordance with the requirements set forth the O&M Manual. The Owner agrees to perform promptly all needed maintenance and report maintenance activities in accordance with the requirements set forth in the O&M Manual.

SECTION 3.
The Property Owner, its administrators, executors, successors, heirs or assigns hereby grants permission to the City, its authorized agents and employees, to enter upon the property and to

inspect the Facilities whenever the City deems necessary. Whenever possible, the City shall provide notice prior to entry. The Property Owner shall execute a public access easement(s) in favor of the City of Alpine to allow the City to inspect, observe, maintain, and repair the Facility as deemed necessary. It is expressly understood and agreed that Alpine City is under no obligation to maintain or repair the Facilities and in no event shall this Agreement be considered to impose any such obligation on the City. A fully executed original easement(s) is attached to this Agreement as Exhibit C and by reference made a part hereof.

SECTION 4.
In the event the Property Owner, its administrators, executors, successors, heirs or assigns fails to maintain the facility or Facilities as shown on the approved plans and specifications in good working order acceptable to the City and in accordance with the maintenance schedule incorporated in this Agreement, the City, with due notice, may enter the property and take whatever steps it deems necessary to return the Facility or Facilities to good working order. This provision shall not be construed to allow the City to erect any structure of a permanent nature on the property. It is expressly understood and agreed that the City is under no obligation to maintain or repair the Facility or Facilities and in no event shall this Agreement be construed to impose any such obligation on the City.

SECTION 5.
In the event the City, pursuant to Section 4 above, performs work of any nature, or expends any funds in the performance of said work for labor, use of equipment, supplies, materials, and the like, for the construction or maintenance of The Facilities or Facility, the Property Owner shall reimburse the City upon demand within thirty (30) days of rcccipt thereof for all the costs incurred by the City for this work. The Property Owner hereby specifically agrees that If the City is not paid for this work within 30 days from the demand by the City, that , the City may file a lien against the real property in the office of the County Recorder in the amount of such costs. The actions described in this section are in addition to and not in lieu of any
and all legal remedies available to the City as a result of the Property Owner's failure to maintain the facility or facilities.

SECTION 6.
It is the intent of this agreement to insure the proper maintenance of the Facility or Facilities by the Property Owner; provided, however, that this Agreement shall not be deemed to create or effect any additional liability of any party for damage alleged to result from or caused by stormwater runoff.

SECTION 7.
The Property Owner will make accommodation for the sediment accumulation resulting from the normal operation of the facility or facilities via removal and disposal of all accumulated sediments. Disposal will be provided onsite in a reserved area(s) or will be removed from the site. Reserved area(s) shall be sufficient to accommodate for a minimum of two dredging cycles.

SECTION 8.
The Property Owner shall inspect the property and Facility or Facilities at least once annually by a qualified inspector in accordance with the O&M Manual.

SECTION 9.
The Property Owner, its administrators, executors, successors, heirs and assigns hereby indemnifies and holds harmless the City and its authorized agents and employees for any and all damages, accidents, casualties, occurrences or claims which might arise or be asserted against the City from the construction, presence, existence or maintenance of The Facility or Facilities by the Property Owner or the City. In the event a claim is asserted against the City, its authorized agents or employees, the City shall promptly notify the Property Owner and the Property Owner shall defend at its own expense any suit based on such claim. If any judgment or claims against the City, its authorized agents or employees shall be allowed, the Property Owner shall pay for all costs and expenses in connection herewith.

SECTION 11.
The Owner, its successors and assigns shall indemnify and hold harmless Alpine City, its agents and employees for any and all damages, accidents, casualties, occurrences or claims which might arise or be asserted against the City arising out of or resulting from the construction, presence, existence maintenance or use of the Facility.

SECTION 12.
The Owner agrees that it will not at any time dedicate the Facilities to the public, to public use or to the City without the City's written consent, nor will it subdivide or convey the property without covenant providing that a proportionate share of the cost of maintenance and other costs associated with other of the obligations and duties contained herein runs with each subdivided part of the original tract or parcel of land.

SECTION 13.
The City shall not pay any compensation at any time for its use of the Property in any way necessary for the inspections and maintenance of the Facilities, including access to the Facilities.

SECTION 14.
This Agreement shall be recorded in the Utah County Clerk and Recorder's Office and shall constitute a covenant running with the land and shall be binding on the Property Owner, its administrators, executors, heirs, assigns and any other successors in interest.

SECTION 15.
This Agreement may be enforced by proceedings at law or in equity by or against the parties hereto and their respective successors in interest.

SECTION 16.
Invalidation of any one of the provisions of this Agreement shall in no way effect any other provisions and all other provisions shall remain in full force and effect.

MAINTENANCE AGREEMENT

SO AGREED this_____day of_____20_____

PROPERTY OWNER

BY:_____Attest:_____

Title:_____Title:_____

Approved as to form:

By:_____Date:_____
City Attorney

ALPINE, UTAH

Attest:_____
City Recorder

(SEAL)

Attachments:
Exhibit A (Plat, Legal Description,)
Exhibit B (Facilities Site Plan)
Exhibit C (Access Easement)
Exhibit D (Special Provisions)

STORM WATER FACILITY O&M MANUAL

Private Stormwater Management Facility Operation and Maintenance (O&M) Manual

for:

All Privately Owned Stormwater Facilities

Located at:

Alpine City

Prepared for:

Operators & Owners of Private Stormwater Facilities

Prepared by:

Alpine City

Adopted this day of April 9**, 2013**

by:_____

Shane Sorensen, P.E. - Alpine City Engineer

Private Stormwater Management Facility
Operation and Maintenance (O&M) Manual

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Private Stormwater Management Facility
Operation and Maintenance (O&M) Manual

I. Compliance with Stormwater Facility Maintenance Requirements

All property owners are responsible for ensuring that stormwater facilities installed on their property are properly maintained and that they function as designed. In some cases, this maintenance responsibility may be assigned to others through special agreements. The maintenance responsibility for a stormwater facility may be designated on the subdivision plat, the site development plan, and/or within a maintenance agreement for the property. Property owners should be aware of their responsibilities regarding stormwater facility maintenance. This document shall be referenced in all Stormwater Facilities Maintenance Agreements within Alpine City.

II. Inspection & Maintenance – Annual Reporting

Requirements for the inspection and maintenance of stormwater facilities, as well as reporting requirements are included in this Private Stormwater Management Facility Operation and Maintenance (O&M) Manual.

Verification that the Stormwater facilities have been properly inspected and maintained; submittal of the required Inspection and Maintenance Forms and Inspector qualifications shall be provided to Alpine City on an annual basis. The annual reporting form shall be provided to Alpine City prior to July 15th of each year.

Copies of the Inspection and Maintenance forms for each of the stormwater facilities are located in Appendix B and C. A standard annual reporting form is provided in Appendix D. Each form shall be reviewed and submitted by the property owner or property manager to Alpine City.

Property owners are not required to provide Inspection and Maintenance Reports for stormwater facilities that have been agreed to be maintained by Alpine City. These reports will be generated through Alpine City's inspection & maintenance program.

III. Preventative Measures to Reduce Maintenance Costs

The most effective way to maintain your water quality facility is to prevent the pollutants from entering the facility in the first place. Common pollutants include sediment, trash & debris, chemicals, dog wastes, runoff from stored materials, illicit discharges into the storm drainage system and many others. A thoughtful maintenance program will include measures to address these potential contaminants and will save money and time in the long run. Key points to consider in your maintenance program include:

- Educate property owners/residents to be aware of how their actions affect water quality, and how they can help reduce maintenance costs.
- Keep properties, streets and gutters, and parking lots free of trash, debris, and lawn clippings.
- Ensure the proper disposal of hazardous wastes and chemicals.
- Plan lawn care to minimize the use of chemicals and pesticides.
- Sweep paved surfaces and put the sweepings back on the lawn.
- Be aware of automobiles leaking fluids. Use absorbents such as cat litter to soak up drippings – dispose of properly.
- Re-vegetate disturbed and bare areas to maintain vegetative stabilization.
- Clean out the upstream components of the storm drainage system, including inlets, storm sewers and outfalls.
- Do not store materials outdoors (including landscaping materials) unless properly protected from runoff.

IV. Access and Easements

All stormwater management facilities located on the site have both a designated access location as well as a maintenance easement. For site specific access and easement locations, refer to the Stormwater Facilities Maintenance Agreement for the site.

V. Safety

Keep safety considerations at the forefront of inspection procedures at all times. Likely hazards should be anticipated and avoided. Never enter a confined space (outlet structure, manhole, etc) without proper training or equipment. A confined space should never be entered without at least one additional person present.

If a toxic or flammable substance is discovered, leave the immediate area and contact the local Sheriff at 911.

Potentially dangerous (e.g., fuel, chemicals, hazardous materials) substances found in the areas must be referred to the local Sheriff's Office immediately for response by the Hazardous Materials Unit. The emergency contact number is 911.

Vertical drops may be encountered in areas located within and around the facility. Avoid walking on top of retaining walls or other structures that have a significant vertical drop. If a vertical drop is identified within the pond that is greater than 48" in height, make the appropriate note/comment on the maintenance inspection form.

If any hazard is found within the facility area that poses an immediate threat to public safety, contact the local Sheriff's Office immediately.

VI. Field Inspection Equipment

It is imperative that the appropriate equipment is taken to the field with the inspector(s). This is to ensure the safety of the inspector and allow the inspections to be performed as efficiently as possible. Below is a list of the equipment that may be necessary to perform the inspections of all Stormwater Management Facilities:

- Protective clothing and boots.
- Safety equipment (vest, hard hat, confined space entry equipment).
- Communication equipment.
- Operation and Maintenance Manual for the site including stormwater management facility location maps.
- Clipboard.
- Stormwater Facility Maintenance Inspection Forms (See Appendix B).
- Manhole Lid Remover
- Shovel.

Some of the items identified above need not be carried by the inspector (manhole lid remover, shovel, and confined space entry equipment). However, this equipment should be available in the vehicle driven to the site.

VII. Inspecting Stormwater Management Facilities

The quality of stormwater entering the waters of the state relies heavily on the proper operation and maintenance of permanent best management practices. Stormwater management facilities must be periodically inspected to ensure that they function as designed. The inspection will determine the appropriate maintenance that is required for the facility.

A. Inspection Procedures

All stormwater management facilities are required to be inspected by a qualified individual at a minimum of once per year. Inspections should follow the inspection guidance found in the Standard Operating Procedure (SOP) for the specific type of facility. (Appendix A of this manual).

B. Inspection Report

The person(s) conducting the inspection activities shall complete the appropriate inspection report for the specific facility. Inspection reports are located in Appendix B.

The following information explains how to fill out the Inspection Forms:

General Information

This section identifies the facility location, person conducting the inspection, the date and time the facility was inspected, and approximate days since the last rainfall. Property classification is identified as single-family residential, multi-family residential, commercial, or other.

The reason for the inspection is also identified on the form depending on the nature of the inspection. All facilities should be inspected on an annual basis at a minimum. In addition, all facilities should be inspected after a significant precipitation event to ensure the facility is draining appropriately and to identify any damage that occurred as a result of the increased runoff.

Inspection Scoring

For each inspection item, a score must be given to identify the urgency of required maintenance. The scoring is as follows:

0 = No deficiencies identified.

1 = Monitor – Although maintenance may not be required at this time, a potential problem exists that will most likely need to be addressed in the future. This can include items like minor erosion, concrete cracks/spalling, or minor sediment accumulation. This item should be revisited at the next inspection.

2 = Routine Maintenance Required – Some inspection items can be addressed through the routine maintenance program (See SOP in appendix A). This can include items like vegetation management or debris/trash removal.

3 = Immediate Repair Necessary – This item needs immediate attention because failure is imminent or has already occurred. This could include items such as structural failure of a feature (outlet works, forebay, etc), significant erosion, or significant sediment accumulation. This score should be given to an item that can significantly affect the function of the facility.

N/A This is checked by an item that may not exist in a facility. Not all facilities have all of the features identified on the form (forebay, micro-pool, etc.).

Inspection Summary/Additional Comments

Additional explanations to inspection items, and observations about the facility not covered by the form, are recorded in this section.

Overall Facility Rating

An overall rating must be given for each facility inspected. The overall facility rating should correspond with the highest score (0, 1, 2, 3) given to any feature on the inspection form.

C. Verification of Inspection and Form Submittal

The Stormwater Management Facility Inspection Form provides a record of inspection of the facility. Inspection Forms for each facility type are provided in Appendix B. Verification of the inspection of the stormwater facilities, the facility inspection form(s), and Inspector Qualifications shall be provided to Alpine City on an annual basis. The verification and the inspection form(s) shall be reviewed and submitted by the property owner or property manager.

Refer to Section II of this Manual regarding the annual reporting of inspections.

VIII. Maintaining Stormwater Management Facilities

Stormwater management facilities must be properly maintained to ensure that they operate correctly and provide the water quality treatment for which they were designed. Routine maintenance performed on a frequently scheduled basis, can help avoid more costly rehabilitative maintenance that results when facilities are not adequately maintained.

A. Maintenance Categories

Stormwater management facility maintenance programs are separated into three broad categories of work. The categories are separated based upon the magnitude and type of the maintenance activities performed. A description of each category follows:

Routine Work

The majority of this work consists of scheduled mowings and trash and debris pickups for stormwater management facilities during the growing season. This includes items such as the removal of debris/material that may be clogging the outlet structure well screens and trash racks. It also includes activities such as weed control, mosquito treatment, and algae treatment. These activities normally will be performed numerous times during the year. These items can be completed without any prior correspondence with Alpine City; however, completed inspection and maintenance forms shall be submitted to Alpine City for each inspection and maintenance activity.

Restoration Work

This work consists of a variety of isolated or small-scale maintenance and work needed to address operational problems. Most of this work can be completed by a small crew, with minor tools, and small equipment. These items require prior correspondence with Alpine City and require that completed maintenance forms be submitted to Alpine City for each maintenance activity.

Rehabilitation Work

This work consists of large-scale maintenance and major improvements needed to address failures within the stormwater management facilities. This work requires consultation with Alpine City and may require an engineering design with construction plans to be prepared for review and approval. This work may also require more specialized maintenance equipment, surveying, construction permits or assistance through private contractors and consultants. These items require prior correspondence with Alpine City and require that completed maintenance forms be submitted to Alpine City for each maintenance activity.

B. Maintenance Personnel

Maintenance personnel must be qualified to properly maintain stormwater management facilities. Inadequately trained personnel can cause additional problems resulting in additional maintenance costs.

C. Maintenance Forms

The Stormwater Management Facility Maintenance Form provides a record of maintenance activities. Maintenance Forms for each facility type are provided in Appendix C. Maintenance Forms shall be completed by the contractor completing the required maintenance items. The form shall then be reviewed by the property owner or an authorized agent of the property owner and submitted on an annual basis to Alpine City.

Refer to Section II of this Manual regarding the annual reporting of inspections and maintenance activities performed.

APPENDIX A
Standard Operating Procedures (SOP) for each facility type

STREETS/STORM DRAIN – Catch Basins

Description: This section contains information on the cleaning of catch basins in the storm drain system. This includes the processes of disposal of excess waste and the record keeping of the amounts of waste collected.

Applicability: Cleaning catch basins or storm drains.

1. Preparation:

   a. Clean off sediment and trash off grate.

   b. Do visual inspection on outside of grate.

   c. Make sure nothing needs to be replaced.

   d. Do inside visual inspection to see what needs to be cleaned.

2. Process

   a. Clean catch basin using manual or mechanical means.

   b. For manual means, place removed material in a location protected from potential runoff.

   c. Place spoils in vehicle for transport to disposal area.

   d. Dispose of spoils in an approved location for dewatering if necessary.

   e. For mechanical cleaning use a high powered vac truck to removed sediment. When sediment is removed use a high pressure washer to clean any other sediment out of catch basin.

   f. After catch basin is clean, send the rodder of the vac truck downstream to clean pipe and pull back sediment that might have moved down stream of the catch basin.

3. Clean-up

   a. When vehicle is full of spoils take them to a contained area for drying.

   b. After drying, put it into a dump truck and take it to the landfill.

4. Documentation

   a. Keep logs of the date and number of catch basins cleaned. Record employees involved with the activity.

   b. Record the estimated amount of waste collected from each catch basin.

   c. Keep any notes or comments of any problems.

STREETS/STORM DRAIN – Curb Painting

Description: This section contains information on the painting of curbs and how to protect the drainage system from hazardous wastes. The use of BMP's in case of accidents and spills is recommended. This also includes the processes of disposal, clean up, and record keeping of any paint entering into the storm drain system.

Applicability: Curb Surface painting.

1. Preparation

   a. Calculate the amount of paint required for the job

   b. Use water based paints if possible.

   c. Determine whether the wastes will be hazardous or not and the required proper disposal of said wastes

   d. Determine locations of storm drain inlets and sewer inlets that may need to be protected. If possible, prepare surfaces to be painted without generating wastewater; eg. Use sandblasting and or scraping.

   e. If using a pressure washer to remove loose paint, place filter fabric or containment devices at entrances to storm drains or natural waterways to collect materials. (i.e. place geotextile beneath catch basin grates, use curb dyke)

   f. Use a citrus-based paint remover whenever possible, less toxic than chemical strippers

2. Process

   a. Paint curb.

   b. Prevent over-spraying of paints and/or excessive sandblasting

   c. Use drip pans and drop clothes in areas of mixing paints and painting

   d. Store latex paint rollers and brushes in air tight bags to be reused later with the same color.

   e. Have available absorbent material and other BMP's ready for an accidental paint spill.

3. Clean-up

   a. Paint out brushes and rollers as much as possible. Squeeze excess paint from brushes and rollers back into the containers prior to cleaning them.

b. Pour excess paint from trays and buckets back into the paint can containers and wipe with cloth or paper towels. Dispose of the towels according to the recommendations on the paint being used.

c. Rinse water-based paint brushes in the sink after pre-cleaning. Never pour excess paint or wastewater from cleanup of paint in the storm drain.

d. Cleanup oil based paints with paint thinner. Never clean oil based brushes in a sink or over a storm drain. Filter solvents for reuse if possible and/or store in approved drum for recycling.

4. Documentation

a. Report any discharges into storm drain system

STREETS/STORM DRAIN – Culvert and Storm Water Pipe Cleaning

Description: This section contains information on the cleaning of storm drain culverts and pipes. This also includes what methods to use to remove sediment and debris from the structure. A record keeping procedure is also outlined for tracking the cleaning process.

Applicability: Cleaning of Culverts and Pipes.

1. Preparation:

   a. Clean sediment and trash off inlet to culvert/storm water pipe.

   b. If possible do visual inspection of inside of culvert/storm water pipe.

   c. Look for cracks, missing or broken pieces in the walls/sides of structure.

   d. Do inside visual inspection to see what needs to be cleaned.

2. Process

   a. Clean using a high powered vac truck, cleaning the sides of the structure and sucking out sediment on the bottom.

   b. Send high powered hose down culvert and pull back any sediment.

   c. Clean inlets and outlets.

   d. Move truck down to next storm drain.

3. Clean-up

   a. When vac truck is full of sediment take it to current designated containment area.

   b. When evaporates are dry, clean it up with a backhoe, put it into a dump truck and take it to the landfill.

4. Documentation

   a. Keep logs of culverts/storm water pipes wells cleaned.

   b. Record the amount of waste collected.

   c. Keep any notes or comments of any problems.

STREETS/STORM DRAIN – Sumps and Injection Wells (Includes Underground Storm Water Detention Structures)

Description: This section contains information on the cleaning of storm drain sumps and injection wells. This also includes what methods to use to remove sediment and debris from the structures. A record keeping procedure is also outlined for tracking the cleaning process.

Applicability: Cleaning of Sumps and Injection Wells.

1. Preparation:

   a. Clean sediment and trash off inlet to sump/injection well.

   b. Determine how water is supposed to drain from the structure and assess the ability of the structure to allow water to drain as designed.

   c. If possible do visual inspection of inside of sump/injection well.

   d. Look for cracks, missing or broken pieces in the walls/sides of structure.

   e. Do inside visual inspection to see what needs to be cleaned.

2. Process

   a. Clean using a high powered vac truck, cleaning the sides of the structure and sucking out sediment on the bottom.

   b. Remove fine sediments that might inhibit the drainage of water if the structure is designed such that the water drains out the bottom.

   c. Clean those places where to water drains if the structure is designed to drain out the sides of the sump/injection well.

   d. Clean inlets and overflow outlets.

3. Clean-up

   a. When vac truck is full of sediment take it to current designated containment area.

   b. When evaporates are dry, clean it up with a backhoe, put it into a dump truck and take it to the landfill.

4. Documentation

   a. Keep logs sumps and injection wells cleaned.

   b. Record the amount of waste collected.

   c. Keep any notes or comments of any problems.

STREETS/STORM DRAIN – Detention Ponds

Description: This section contains information on the maintenance and cleaning of storm drain detention ponds and structures. This also includes what methods to use to remove sediment and debris from the structure. A record keeping process is also outlined for maintenance.

Applicability: Maintenance of detention structures.

1. Preparation:

   a. Remove any sediment and trash from grates.

   b. Do a visual inspection to make sure grates are in good shape and everything is in good working order.

   c. Pull grates, inspect inside of structures/boxes/pipes.

2. Process

   a. Provide outlet protection where feasible to minimize the amount of debris that might leave basin during cleaning process.

   b. If necessary, clean basin by using backhoe to remove silt and sediment off the bottom

   c. Place all sediment into a dump truck.

   d. Clean structures as described for in cleaning catch basins SOP.

3. Clean-up

   a. Haul and dump sediment at the landfill.

4. Documentation

   a. Keep logs of number of detention basins cleaned including date, estimated quantity of material, individuals involved in cleaning, and a description of the type of debris removed.

   b. Record the estimated amount of waste collected.

   c. Keep any notes or comments of any problems.

STREETS/STORM DRAIN – Creek Maintenance

Description: This section contains information on the maintenance and preservation of natural water courses including creeks and streams. This also includes identifying what maintenance needs to be done and the method of how it will be accomplished. Record keeping is necessary in stream maintenance.

Applicability: Maintaining any creek or stream.

1. Preparation

   a. Monitor streams on a regular basis (Annually).

   b. Maintain access to stream channels wherever possible.

   c. Identify areas requiring maintenance.

   d. Determine method of maintenance that will be least damaging to the channel.

   e. Determine what manpower or equipment will be required.

   f. Obtain necessary permits as required by the Army Corp. of Engineers or State Engineers Office.

   g. Identify access and easements to area requiring maintenance.

2. Process

   a. Follow requirements of permits as applicable.

   b. Use techniques to minimize disruption to the stream bank or channel

   c. Install clean materials free of pollutants and contaminants.

   d. Place removed materials in an area upland of the water course to prevent them from re-entering the channel.

3. Clean-up

   a. Stabilize all disturbed soils.

   b. Haul all debris or sediment removed from area to current designated containment area.

   c. Remove all tracking from paved surfaces near maintenance site, if applicable.

4. Documentation

   a. Keep log of actions performed including date and individuals involved.

   b. Record the amount of materials removed or imported.

   c. Keep any notes or comments of any problems.

   d. Use "before" and "after" photographs to document activities as applicable.

STREETS/STORM DRAIN – Canal / Ditch Maintenance

Description: This section contains information on the maintenance and preservation of canals. This also includes identifying what maintenance needs to be done and the method of how it will be accomplished. Record keeping is necessary in canal maintenance.

Applicability: Maintaining canal or irrigation ditch.

1. Preparation

   a. Monitor canals annually and maintain as needed.

   b. Establish maintenance responsibilities with irrigation company boards and operators.

   c. Identify areas requiring maintenance with irrigation company annually at a minimum.

   d. Identify access and easements to canal area.

   e. Establish procedures for removal of material from canal maintenance. Including stockpiling of material removed or hauling methods.

   f. Determine what man power or equipment will be required.

2. Process

   a. Perform maintenance as outlined in agreement with irrigation company

   b. Install clean materials free of pollutants and contaminants.

   c. Place removed materials in an area upland of the watercourse to prevent them from re-entering the channel.

   d. Haul material away to current designated stockpile area.

3. Clean-up

   a. Stabilize all disturbed soils.

   b. Haul all debris or sediment removed from area to approved dumping site.

   c. Remove all tracking from paved surfaces near maintenance site, if applicable.

4. Documentation

   a. Keep log of actions performed including date and individuals involved.

   b. Record the amount of materials removed or imported.

   c. Keep any notes or comments of any problems.

   d. Use "before" and "after" photographs to document activities as applicable.

APPENDIX B
Inspection Form(s)

CATCH BASIN / MANHOLE / SUMP INSPECTION FORM

Date:_____

Subdivision/Business Name:_____ Inspector:_____

Subdivision/Business Address:_____

Weather: _____

Date of Last Rainfall:_____ Amount:_____Inches

Property Classification: Residential Multi Family Commercial Other:_____
(Circle One)

Reason for Inspection: Routine Complaint After Significant Rainfall Event
(Circle One)

INSPECTION SCORING - For each facility inspection item, insert one of the following scores:

0 = No deficiencies identified
1 = Monitor (potential for future problem)
2 = Routine maintenance required
3 =Immediate repair necessary
N/A = Not applicable

FEATURES

Catch Basin Location _____

1.) Grate

____Blocked
____Damaged
____Missing
____Other
_____

2.) Basin

____Sediment/Debris Accumulation
____Concrete Damage
____Woody Growth/Weeds Present
____Approximate % Full

Inspection Summary / Additional Comments:_____

OVERALL FACILITY RATING (Circle One)

0 = No Deficiencies Identified
1 = Monitor (potential for future problem exists)
2 = Routine Maintenance Required
3 = Immediate Repair Necessary

This inspection form shall be kept indefinitely and made available to Alpine City upon request.

EXTENDED DETENTION BASIN (EDB) INSPECTION FORM

Date:_____

Subdivision/Business Name:_____ Inspector:_____

Subdivision/Business Address:_____

Weather: _____

Date of Last Rainfall:_____ Amount:_____Inches

Property Classification: Residential Multi Family Commercial Other:_____
(Circle One)

Reason for Inspection: Routine Complaint After Significant Rainfall Event
(Circle One)

INSPECTION SCORING - For each facility inspection item, insert one of the following scores:

0 = No deficiencies identified
1 = Monitor (potential for future problem)
2 = Routine maintenance required
3 =Immediate repair necessary
N/A = Not applicable

FEATURES

1.) Inflow Points

____Riprap Displaced
____Erosion Present/Outfall Undercut
____Sediment Accumulation
____Structural Damage (pipe, end-section, etc.)
____Woody Growth/Weeds Present

2.) Forebay

____Sediment/Debris Accumulation
____Concrete Cracking/Failing
____Drain Pipe/Wier Clogged (not draining)
____Wier/Drain Pipe Damage

3.) Trickle Channel (Low-flow)

____Sediment/Debris Accumulation
____Concrete/Riprap Damage
____Woody Growth/Weeds Present
____Erosion Outside Channel

4.) Bottom Stage (Micro-Pool)

____Sediment/Debris Accumulation
____Woody Growth/Weeds Present
____Bank Erosion
____Mosquitoes/Algae Treatment
____Petroleum/Chemical Sheen

5.) Outlet Works

____Trash Rack/Well Screen Clogged
____Structural Damage (concrete,steel,subgrade)
____Orifice Plate(s) Missing/Not Secure
____Manhole Access (cover, steps, etc.)
____Woody Growth/Weeds Present

6.) Emergency Spillway

____Riprap Displaced
____Erosion Present
____Woody Growth/Weeds Present
____Obstruction/Debris

7.) Upper Stage (Dry Storage)

____Vegetation Sparse
____Woody Growth/Undesirable Vegetation
____Standing Water/Boggy Areas
____Sediment Accumulation
____Erosion (banks and bottom)
____Trash/Debris
____Maintenance Access

8.) Miscellaneous

____Encroachment in Easement Area
____Graffiti/Vandalism
____Public Hazards
____Burrowing Animals/Pests
____Other

Inspection Summary / Additional Comments:_____

OVERALL FACILITY RATING (Circle One)

0 = No Deficiencies Identified
1 = Monitor (potential for future problem exists)
2 = Routine Maintenance Required
3 = Immediate Repair Necessary

This inspection form shall be kept indefinitely and made available to Alpine City upon request.

STORM DRAIN PIPE(S) INSPECTION FORM

Date:_____

Subdivision/Business Name:_____ Inspector:_____

Subdivision/Business Address:_____

Weather: _____

Date of Last Rainfall:_____ Amount:_____Inches

Property Classification: Residential Multi Family Commercial Other:_____
(Circle One)

Reason for Inspection: Routine Complaint After Significant Rainfall Event
(Circle One)

INSPECTION SCORING - For each facility inspection item, insert one of the following scores:

0 = No deficiencies identified
1 = Monitor (potential for future problem)
2 = Routine maintenance required
3 =Immediate repair necessary
N/A = Not applicable

FEATURES

PIPE LABEL/LOCATION_____

1.) Pipe

____Blocked
____Damaged
____Deteriorating in any way
____Other
_____

Inspection Summary / Additional Comments:_____

OVERALL FACILITY RATING (Circle One)

0 = No Deficiencies Identified
1 = Monitor (potential for future problem exists)
2 = Routine Maintenance Required
3 = Immediate Repair Necessary

This inspection form shall be kept indefinitely and made available to Alpine City upon request.

APPENDIX C
Maintenance Form(s)

CATCH BASIN / MAHHOLE / SUMP MAINTENANCE FORM

Subdivision/Business Name:_____ Completion Date:_____

Subdivision/Business Address:_____ Contact Name:_____

Maintenance Category: Routine Restoration Rehabilitation
(Circle All That Apply)

MAINTENANCE ACTIVITIES PERFORMED

STRUCTURE LOCATION & DESCRIPTION_____

ROUTINE WORK

____ MOWING AROUND INLET OR OUTLET
____ TRASH/DEBRIS REMOVAL
____ OUTLET WORKS CLEANING (TRASH RACK/WELL SCREEN)
____ WEED CONTROL (HERBICIDE APPLICATION)
____ MOSQUITO TREATMENT
____ ALGAE TREATMENT

RESTORATION WORK

____ SEDIMENT REMOVAL

____ EROSION REPAIR
- ____ INFLOW POINT
- ____ OUTFLOW POINT

____ VEGETATION REMOVAL/TREE THINNING

____ REVEGETATION

____ JET-VAC/CLEARING DRAINS
- ____ OUTLET WORKS
- ____ INFLOWS

REHABILITATION WORK

____ EROSION REPAIR
- ____ INFLOW POINT

____ STRUCTURAL REPAIR
- ____ INFLOW

OTHER_____
_____
_____

ESTIMATED TOTAL MANHOURS: _____

EQUIPMENT/MATERIAL USED: _____
_____
_____

COMMENTS/ADDITIONAL INFO: _____
_____

This Maintenance Activity Form shall be kept indefinitely and made available to Alpine City upon request.

EXTENDED DETENTION BASIN (EDB) MAINTENANCE FORM

Subdivision/Business Name:_____ Completion Date:_____

Subdivision/Business Address:_____ Contact Name:_____

Maintenance Category: Routine Restoration Rehabilitation
(Circle All That Apply)

MAINTENANCE ACTIVITIES PERFORMED

ROUTINE WORK

____ MOWING
____ TRASH/DEBRIS REMOVAL
____ OUTLET WORKS CLEANING (TRASH RACK/WELL SCREEN)
____ WEED CONTROL (HERBICIDE APPLICATION)
____ MOSQUITO TREATMENT
____ ALGAE TREATMENT

RESTORATION WORK

____ SEDIMENT REMOVAL
- ____ FOREBAY
- ____ TRICKLE CHANNEL
- ____ INFLOW

____ EROSION REPAIR
- ____ INFLOW POINT
- ____ TRICKLE CHANNEL

____ VEGETATION REMOVAL/TREE THINNING
- ____ INFLOW(S)
- ____ TRICKLE CHANNEL
- ____ UPPER STAGE
- ____ BOTTOM STAGE

____ REVEGETATION
____ JET-VAC/CLEARING DRAINS
- ____ FOREBAY
- ____ OUTLET WORKS
- ____ INFLOWS

REHABILITATION WORK

____ SEDIMENT REMOVAL (DREDGING)
- ____ BOTTOM STAGE
- ____ UPPER STAGE

____ EROSION REPAIR
- ____ OUTLET WORKS
- ____ UPPER STAGE
- ____ BOTTOM STAGE
- ____ SPILLWAY

____ STRUCTURAL REPAIR
- ____ INFLOW
- ____ OUTLET WORKS
- ____ FOREBAY
- ____ TRICKLE CHANNEL

OTHER_____
_____
_____

ESTIMATED TOTAL MANHOURS: _____

EQUIPMENT/MATERIAL USED: _____
_____
_____

COMMENTS/ADDITIONAL INFO: _____
_____

This Maintenance Activity Form shall be kept indefinitely and made available to Alpine City upon request.

STORM DRAIN PIPE MAINTENANCE FORM

Subdivision/Business Name:_____ Completion Date:_____

Subdivision/Business Address:_____ Contact Name:_____

Maintenance Category: Routine Restoration Rehabilitation
(Circle All That Apply)

MAINTENANCE ACTIVITIES PERFORMED

PIPE LABEL/LOCATION_____

ROUTINE WORK

____ MOWING AROUND INLET OR OUTLET
____ TRASH/DEBRIS REMOVAL
____ OUTLET WORKS CLEANING (TRASH RACK/WELL SCREEN)
____ WEED CONTROL (HERBICIDE APPLICATION)
____ MOSQUITO TREATMENT
____ ALGAE TREATMENT

RESTORATION WORK

____ SEDIMENT REMOVAL
____ EROSION REPAIR
- ____ INFLOW POINT
- ____ OUTFLOW POINT

____ VEGETATION REMOVAL/TREE THINNING
- ____ INFLOW(S)
- ____ TRICKLE CHANNEL
- ____ UPPER STAGE
- ____ BOTTOM STAGE

____ REVEGETATION
____ JET-VAC/CLEARING DRAINS
- ____ FOREBAY
- ____ OUTLET WORKS
- ____ INFLOWS

REHABILITATION WORK

____ EROSION REPAIR
- ____ INFLOW POINT
- ____ OUTFLOW POINT

____ STRUCTURAL REPAIR
- ____ INFLOW
- ____ OUTLET WORKS
- ____ PIPE

OTHER_____
_____
_____

ESTIMATED TOTAL MANHOURS: _____

EQUIPMENT/MATERIAL USED: _____
_____
_____

COMMENTS/ADDITIONAL INFO: _____
_____

This Maintenance Activity Form shall be kept indefinitely and made available to Alpine City upon request.

APPENDIX D
Annual Inspection and Maintenance Submittal Form

Annual Inspection and Maintenance Reporting Form
for
Stormwater Facilities

(This form to be submitted to Alpine City prior to July 15 of each year)

Date: _____

To: **Alpine City**
Attn: Jed Muhlestein, P.E.
20 N. Main
Alpine, UT 84004

Re: **Certification of Inspection and Maintenance; Submittal of forms**

Property/Subdivision Name: _____

Property Address: _____

Contact Name: _____

I verify that the required stormwater facility inspections and required maintenance have been completed in accordance with the Stormwater Facilities Maintenance Agreement and the Private Stormwater Facility Operation and Maintenance (O&M) Manual associated with the above referenced property.

The required Stormwater Facility Inspection and Maintenance forms are hereby provided.

_____	_____
Name of Party Responsible for Inspection & Maintenance	Property Owner
_____	_____
Authorized Signature	Signature

MAINTENANCE AGREEMENTS

STATE OF UTAH **CITY OF ALPINE**

Stormwater Facilities Maintenance Agreement

WHEREAS, the Property Owner Patterson Construction, Inc. recognizes that the wet or extended detention facility or facilities (hereinafter referred to as "The Facility" or "Facilities") must be maintained for Utah County Parcel Number 11:023:0189

WHEREAS, the Property Owner is the owner of real property more particularly described on the attached Exhibit A; and,

WHEREAS, The City of Alpine (hereinafter referred to as "the City") and the Property Owner, or its administrators, executors, successors, heirs, or assigns, agree that the health, safety and welfare of the citizens of the City require that The Facilities be constructed and maintained on the property; and,

WHEREAS, the City requires that Facility or Facilities as shown on the approved development plans and specifications, which are more specifically described in Exhibit B hereto, be constructed and maintained by the Property Owner, its administrators; executors, successors, heirs, or assigns.

NOW, THEREFORE, in consideration of the foregoing premises, the mutual covenants contained herein, and the following terms and conditions, the parties hereto agree as follows:

SECTION 1.
The Facility or Facilities shall be constructed by the Property Owner in accordance with the plans and specifications for the development and in accordance with Alpine City specifications.

SECTION 2.
The Property Owner, its administrators, executors, successors, heirs or assigns shall maintain the Facility or Facilities in good working condition acceptable to the City and in accordance with the Private Stormwater Management Facility Operation and Maintenance Manual (hereinafter referred to as the "O&M Manual") as adopted by Alpine City. In the event that an O&M Manual does not cover site specific requirements, those requirements shall be added as Special Provisions, attached as Exhibit D. The Owner agrees to cause inspection of the Facilities, at the Owner's expense, by a person experienced in the inspection of stormwater facilities. Inspections shall occur at least once every calendar year. An inspection report shall be submitted in writing to the City prior to July15th of each year for the Facilities. The inspection report shall be in accordance with the requirements set forth the O&M Manual. The Owner agrees to perform promptly all needed maintenance and report maintenance activities in accordance with the requirements set forth in the O&M Manual.

SECTION 3.
The Property Owner, its administrators, executors, successors, heirs or assigns hereby grants permission to the City, its authorized agents and employees, to enter upon the property and to

inspect the Facilities whenever the City deems necessary. Whenever possible, the City shall provide notice prior to entry. The Property Owner shall execute a public access easement(s) in favor of the City of Alpine to allow the City to inspect, observe, maintain, and repair the Facility as deemed necessary. It is expressly understood and agreed that Alpine City is under no obligation to maintain or repair the Facilities and in no event shall this Agreement be considered to impose any such obligation on the City. A fully executed original easement(s) is attached to this Agreement as Exhibit C and by reference made a part hereof.

SECTION 4.
In the event the Property Owner, its administrators, executors, successors, heirs or assigns fails to maintain the facility or Facilities as shown on the approved plans and specifications in good working order acceptable to the City and in accordance with the maintenance schedule incorporated in this Agreement, the City, with due notice, may enter the property and take whatever steps it deems necessary to return the Facility or Facilities to good working order. This provision shall not be construed to allow the City to erect any structure of a permanent nature on the property. It is expressly understood and agreed that the City is under no obligation to maintain or repair the Facility or Facilities and in no event shall this Agreement be construed to impose any such obligation on the City.

SECTION 5.
In the event the City, pursuant to Section 4 above, performs work of any nature, or expends any funds in the performance of said work for labor, use of equipment, supplies, materials, and the like, for the construction or maintenance of The Facilities or Facility, the Property Owner shall reimburse the City upon demand within thirty (30) days of receipt thereof for all the costs incurred by the City for this work. The Property Owner hereby specifically agrees that If the City is not paid for this work within 30 days from the demand by the City, that , the City may file a lien against the real property in the office of the County Recorder in the amount of such costs. The actions described in this section are in addition to and not in lieu of any
and all legal remedies available to the City as a result of the Property Owner's failure to maintain the facility or facilities.

SECTION 6.
It is the intent of this agreement to insure the proper maintenance of the Facility or Facilities by the Property Owner; provided, however, that this Agreement shall not be deemed to create or effect any additional liability of any party for damage alleged to result from or caused by stormwater runoff.

SECTION 7.
The Property Owner will make accommodation for the sediment accumulation resulting from the normal operation of the facility or facilities via removal and disposal of all accumulated sediments. Disposal will be provided onsite in a reserved area(s) or will be removed from the site. Reserved area(s) shall be sufficient to accommodate for a minimum of two dredging cycles.

SECTION 8.
The Property Owner shall inspect the property and Facility or Facilities at least once annually by a qualified inspector in accordance with the O&M Manual.

SECTION 9.
The Property Owner, its administrators, executors, successors, heirs and assigns hereby indemnifies and holds harmless the City and its authorized agents and employees for any and all damages, accidents, casualties, occurrences or claims which might arise or be asserted against the City from the construction, presence, existence or maintenance of The Facility or Facilities by the Property Owner or the City. In the event a claim is asserted against the City, its authorized agents or employees, the City shall promptly notify the Property Owner and the Property Owner shall defend at its own expense any suit based on such claim. If any judgment or claims against the City, its authorized agents or employees shall be allowed, the Property Owner shall pay for all costs and expenses in connection herewith.

SECTION 11.
The Owner, its successors and assigns shall indemnify and hold harmless Alpine City, its agents and employees for any and all damages, accidents, casualties, occurrences or claims which might arise or be asserted against the City arising out of or resulting from the construction, presence, existence maintenance or use of the Facility.

SECTION 12.
The Owner agrees that it will not at any time dedicate the Facilities to the public, to public use or to the City without the City's written consent, nor will it subdivide or convey the property without covenant providing that a proportionate share of the cost of maintenance and other costs associated with other of the obligations and duties contained herein runs with each subdivided part of the original tract or parcel of land.

SECTION 13.
The City shall not pay any compensation at any time for its use of the Property in any way necessary for the inspections and maintenance of the Facilities, including access to the Facilities.

SECTION 14.
This Agreement shall be recorded in the Utah County Clerk and Recorder's Office and shall constitute a covenant running with the land and shall be binding on the Property Owner, its administrators, executors, heirs, assigns and any other successors in interest.

SECTION 15.
This Agreement may be enforced by proceedings at law or in equity by or against the parties hereto and their respective successors in interest.

SECTION 16.
Invalidation of any one of the provisions of this Agreement shall in no way effect any other provisions and all other provisions shall remain in full force and effect.

MAINTENANCE AGREEMENT

SO AGREED this 8th day of July 2013

PROPERTY OWNER

BY: _____ Attest: _____

Title: James K. Patterson, President Title: Authorized Rep.

Approved as to form:

By: _____ Date: 7/8/2013
City Attorney

ALPINE, UTAH

Attest: _____
City Recorder

(SEAL)

Attachments:
Exhibit A (Plat, Legal Description,)
Exhibit B (Facilities Site Plan)
Exhibit C (Access Easement)
Exhibit D (Special Provisions)

Alpine City
CORPORATE
Seal
Utah County, Utah

Annual Inspection and Maintenance Reporting Form
for
Stormwater Facilities

(This form to be submitted to Alpine City prior to July 15 of each year)

Date: June 22nd, 2016

To: **Alpine City**
Attn: Jed Muhlestein, P.E.
20 N. Main
Alpine, UT 84004

Re: **Certification of Inspection and Maintenance; Submittal of forms**

Property/Subdivision Name: RIVER MEADOWS PRD

Property Address: 201 E. RED PINE DR.

Contact Name: SCOTT DUNN

I verify that the required stormwater facility inspections and required maintenance have been completed in accordance with the Stormwater Facilities Maintenance Agreement and the Private Stormwater Facility Operation and Maintenance (O&M) Manual associated with the above referenced property.

The required Stormwater Facility Inspection and Maintenance forms are hereby provided.

RIVER MEADOWS HOA
Name of Party Responsible for Inspection & Maintenance

Authorized Signature

RIVER MEADOWS HOA
Property Owner

Signature