

**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.

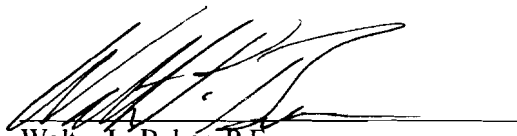
This Permit authorizes storm water discharges to Waters of the State of Utah resulting from a Small Municipal Separate Storm Sewer System (Small MS4 ) as provided in Part 1.0 of this Permit. This authorization is conditioned upon an operator of a Small MS4 meeting the eligibility requirements in Part 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 Executive Secretary 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 August 1, 2010.

This Permit and the authorization to discharge shall expire at midnight, July 31, 2015, except as described in Part 6.3 of this Permit.

Signed this 26th day of July, 2010.



Walter L. Baker, P.E.  
Executive Secretary  
Utah Water Quality Board

**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 Executive Secretary. (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:
    - 1.2.1.2. It applies to an operator of a Small MS4 within the State of Utah but not within Indian Country;
    - 1.2.1.3. The operator is not a “large” or “medium” MS4 as defined in 40 CFR 122.26(b)(4) or (7);
    - 1.2.1.4. The operator submits a Notice of Intent (NOI) in accordance with Part 2.0 of this Permit;
    - 1.2.1.5. The MS4 is located fully or partially within an urbanized area as determined by the latest Decennial Census by the Bureau of Census;
    - 1.2.1.6. The operator is ordered by the Executive Secretary 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 Executive Secretary 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 fire fighting 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.

- 1.4.7. Discharges or discharge-related activities that are likely to jeopardize the continued existence of any species that are listed as endangered or threatened under the Endangered Species Act (ESA) or result in the adverse modification or destruction of habitat that is designated as critical under the ESA. More information regarding endangered species in the State of Utah is available at <http://www.fws.gov/mountain-prairie/>.
- 1.4.8. Discharge from a small MS4 if the operator has been ordered by the Executive Secretary, as provided in Part 6.15 that it may no longer be covered under this General Permit, and the period established by the Executive Secretary for applying for a UPDES Permit has passed.

## **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 Executive Secretary, the operator of the MS4 shall submit a NOI form as provided by the Division at <http://www.waterquality.utah.gov/UPDES/stormwatermun.htm>. (The Executive Secretary 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 Executive Secretary). If a late NOI is submitted, authorization is only for discharges that occur after Permit coverage is granted. The Executive Secretary 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 Executive Secretary 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 Executive Secretary as requiring Permit coverage later than one year after the effective date of this General Permit, the Executive Secretary 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 Executive Secretary, 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, and measurable goals specific to the Permittee that were considered in the development and/or revisions to the SWMP document;

2.3.3. 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);

2.3.3.1. 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;

2.3.3.2. A description of how the Permittee intends to meet the requirements 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.

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

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



- 2.3.4. 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.waterquality.utah.gov/TMDL/index.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. Threatened or Endangered Species and Historic Properties**

This Permit does not relieve the Permittee from compliance with Federal or State laws pertaining to threatened or endangered species or historic properties. Where applicable, compliance efforts to these laws shall be reflected in the SWMP document.

**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

### 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. Within **90 days** after the coverage from this Permit is granted, 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.

#### 4.2. Minimum Control Measures

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 completed all of the following six minimum control measures as required in the previous Permit term. A Renewal Permittee must continue to implement its Storm Water Management Program (SWMP) 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.

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) businesses, institutions, and commercial facilities, (3) developers and contractors (construction), and (4) MS4 industrial 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 businesses and institutions 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. One method of evaluation of the program may be an evaluation of audience knowledge prior to commencement of the educational message followed by an evaluation after delivery of the message, such as a survey.
- 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 Executive Secretary 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 to allow the public to review and provide input.
- 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 develop, 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 within 18 months of receiving coverage under this Permit unless a different timeframe is indicated. 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. An SSO is a discharge of untreated sanitary wastewater. SSOs are illegal and must be eliminated. All SSOs must be reported to the Division of Water Quality and to the Permittee's local wastewater treatment plant.

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. Develop, implement and prepare in writing a 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 Develop and implement 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; and
- Areas upstream of sensitive waterbodies.

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 assessment activities for the purpose of verifying outfall locations and detecting illicit discharges, including dry weather screening of outfalls or facilities serving priority areas identified in Part 4.2.3.3.1 as well as routine dry weather screening of all outfalls that discharge within the Permittee's jurisdiction to a receiving water. Compliance with this provision shall be achieved by: prioritizing receiving waters for visual inspection to identify previously unknown outfalls and field assessing at least 20 percent of the priority areas identified in Part 4.2.3.3.1 to detect illicit discharges within one year of receiving coverage from this Permit, and field assessing an additional 20 percent of the identified high priority water bodies or other high priority area each year thereafter. Field assessment activities shall utilize an inspection form to document findings.

- 4.2.3.4. Develop and 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. Develop and 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. Develop and 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 must be included in 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 adopt and 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, annually train employees about the IDDE program including identification, investigation, termination, cleanup, and reporting of illicit discharges including spills, improper disposal, and illicit connections. Permittees 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. Permittees 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.
- 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 can not otherwise be reasonably satisfied.

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

All Permittees shall develop, 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 within **18 months** of receiving coverage under this Permit. 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. Develop and adopt 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 technical requirements set forth in the UPDES Storm Water General Permit for Construction Activities, UTR300000 which can be found at

<http://www.waterquality.utah.gov/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 smaller sites shall 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 UPDES Storm Water General Permit for Construction Activities, UTR300000.
- 4.2.4.1.2. 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 Incorporate into the SWPPP review procedures for an evaluation of opportunities for use of low impact design (LID) and green infrastructure and when the opportunity exists, encourage such BMPs to be incorporated into the site design.
- 4.2.4.3.4 Identify priority construction sites, including at a minimum those construction sites discharging directly into or immediately upstream of waters that the State recognizes as impaired (for sediment) or high quality;
- 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.waterquality.utah.gov/UPDES/stormwatercon.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 include in its SWMP document a procedure for being notified by construction operators/owners of their completion of active construction so that verification of final stabilization and removal of all temporary control measures may be conducted.
  - 4.2.4.4.3 Inspections by the MS4 of priority construction sites defined in Part 7.36. must be conducted at least biweekly using the Construction Storm Water Inspection Form (Checklist) found on the Division's website at <http://www.waterquality.utah.gov/UPDES/stormwatercon.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.
- 4.2.4.5 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 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 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 adopt and 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 develop, 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 within 18 months of receiving coverage under this Permit. 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. The ordinance or other regulatory mechanism shall, at a minimum, be equivalent with the technical requirements set forth in the UPDES Storm Water General Permit for Construction Activities, UTR300000 which can be found at <http://www.waterquality.utah.gov/UPDES/stormwatercon.htm>. 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. Develop 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.
- 4.2.5.3.1 The Permittee's new development/redevelopment program should 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 to evaluate and encourage a Low Impact Development (LID) approach which encourages the implementation of structural BMPs, where practicable, 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. The selection and design of post-construction controls must take into consideration clogging or obstruction issues, freeze-thaw problems, effect on slope stability and groundwater, and the ability to effectively maintain the control.
- 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. Specific criteria which require that Best Management Practices (BMPs) are designed to treat the water from a specific design storm (e.g., the 2-year, 24-hour event) must be incorporated into the permittee's post-construction minimum control measure and documented in the SWMP. Permittees may allow other unique or complex methodologies.

- 4.2.5.4. All Permittees shall adopt and implement procedures for site plan review which incorporate consideration of water quality impacts. Prior to construction, Permittees shall:
  - 4.2.5.4.1 Review Storm Water Pollution Prevention Plans (SWPPPs) 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 both construction-phase and 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.

- 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;
  - 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 provide adequate training for all staff involved in post-construction storm water management, planning and review, and inspections and enforcement. 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.
- 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 develop and implement an operations and maintenance (O & M) program for Permittee-owned or operated facilities, operations and structural storm water controls that includes standard operating procedures (SOPs) or similar type of documents and a training component that have the ultimate goal of preventing or reducing pollutant runoff from all Permittee-owned or operated facilities and operations. All components of an O & M 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

Facilities covered under the General UPDES Permit for Storm Water Discharges Associated with Industrial Activities do not need to develop an O & M program but must instead maintain the Storm Water Pollution Prevention Plan (SWPPP) required by that permit.

4.2.6.2. All Permittees must initially 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. Each “high priority” facility identified in Part 4.2.6.3. must develop facility-specific standard operating procedures (SOPs) or similar type of documents. The SOPs shall include BMPs that, when applied to the municipal operation, facility or storm water control will protect water quality and reduce the discharge of pollutants to the MS4. Low impact development (LID) techniques should be considered for all new and redeveloped Permittee-owned or operated facilities. The SOPs shall include appropriate pollution prevention and good housekeeping procedures for all of the following types of facilities and/or activities listed below:
- 4.2.6.4.1 Buildings and facilities: The O & M program 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 O & M program must include schedules and SOPs for sweeping parking lots and keeping the area surrounding the facilities clean to minimize runoff of pollutants. Within 180 days of receiving coverage from this Permit, all Permittees must develop 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. Within 180 days of receiving coverage from this Permit, all Permittees must develop an inventory including a map of all storm drains located on the property of all Permittee-owned or operated buildings and facilities. The Permittee must ensure that only storm water is allowed into these drains and that the appropriate BMPs are in place to minimize pollutants from entering the MS4.
- 4.2.6.4.2 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 and not covered under the General UPDES Permit for Storm Water Discharges Associated with Industrial Activities.

- 4.2.6.4.3 Parks and open space. The O & M program shall address, but is not limited to: SOPs for 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 instruction; 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.
- 4.2.6.4.4 Vehicle and Equipment. The O & M program shall address, but it not limited to: SOPs that address 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 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 surface waters. This Permit strictly prohibits such discharges.
- 4.2.6.4.5 Roads, highways, and parking lots. The O & M program shall address, but it 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.
- 4.2.6.4.6 Storm water collection and conveyance system. The O & M program shall address, but is not limited to: SOPs and schedule 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 should 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 develop, 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 should be dewatered in a contained area and discharged to the local sanitary sewer (with approval of local authorities) where feasible. The solid material will need to be stored and disposed of properly to avoid discharge during a storm event. Any other treatment and disposal measures must 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.

- 4.2.6.4.7. 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 to protect water quality from discharges from these sites in the O & M program.
- 4.2.6.5. 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.
- 4.2.6.6 An O & M program designed for Permittee-owned or operated facilities shall include the following inspections:
- 4.2.6.6.1 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.
- 4.2.6.6.2 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.
- 4.2.6.6.3 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.

- 4.2.6.7. 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
- 4.2.6.7.1 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.
- 4.2.6.8. Construction Projects. 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 Permit for Storm Water Discharges Associated with Construction Activities. All public projects approved after the effective date of this Permit shall include construction and post-construction controls selected and implemented pursuant to the requirements in Parts 4.2.4. and 4.2.5.
- 4.2.6.9. Permittees shall provide training for all employees who have primary construction, operation, or maintenance job functions that are likely to impact storm water quality. The Permittee shall identify target employees to participate in the training sessions. 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 for the various Permittee-owned or operated facilities and procedures for reporting water quality concerns, including potential illicit discharges. 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.

#### **4.4. 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 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.
- 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 Executive Secretary of the Utah Water Quality Board.
- 7.11. “Division” means the Utah Division of Water Quality.

- 7.12.** "Discharge" for the purpose of this Permit, unless indicated otherwise, refers to discharges from the Municipal Separate Storm Sewer System (MS4).
- 7.13.** "Dry weather screening" is monitoring done in the absence of storm events to discharges representing, as much as possible, the entire storm drainage system for the purpose of obtaining information about illicit connections and improper dumping.
- 7.14.** "Escalating enforcement procedures" refers to a variety of enforcement actions in order to apply as necessary for the severity of the violation and/or the recalcitrance of the violator.
- 7.15.** "Entity" means a governmental body or a public or private organization.
- 7.16.** "EPA" means the United States Environmental Protection Agency.
- 7.17.** "General Permit" means a Permit which covers multiple dischargers of a point source category within a designated geographical area, in lieu of individual Permits being issued to each discharger.
- 7.18.** "Ground water" means water in a saturated zone or stratum beneath the surface of the land or below a surface water body.
- 7.19.** "High quality waters" means any water, where, for a particular pollutant or pollutant parameter, the water quality exceeds that quality necessary to support the existing or designated uses, or which supports an exceptional use.
- 7.20.** "Illicit connection" means any man-made conveyance connecting an illicit discharge directly to a municipal separate storm sewer.
- 7.21.** "Illicit discharge" means any discharge to a municipal separate storm sewer that is not composed entirely of storm water except discharges pursuant to a UPDES Permit (other than the UPDES Permit for discharges from the municipal separate storm sewer) and discharges resulting from fire fighting activities.
- 7.22.** "Impaired waters" means any segment of surface waters that has been identified by the Division as failing to support classified uses. The Division periodically compiles a list of such waters known as the 303(d) List.
- 7.23.** "Indian Country" is defined as in 40 CFR §122.2 to mean:
- 7.23.1.** All land within the limits of any Indian reservation under the jurisdiction of the United States Government, notwithstanding the issuance of any patent, and, including rights-of-way running through the reservation;
- 7.23.2.** All dependent Indian communities within the borders of the United States whether within the originally or subsequently acquired territory thereof, and whether within or without the limits of a state; and
- 7.23.3.** All Indian allotments, the Indian titles to which have not been extinguished, including right-of-ways running through the same.

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

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



- 7.43.** “Storm water management program” means a set of measurable goals, actions, and activities designed to reduce the discharge of pollutants from the Small MS4 to the maximum extent practicable and to protect water quality.
- 7.44.** “TMDL” is an acronym for “Total Maximum Daily Load” and in this Permit refers to a study that: 1) quantifies the amount of a pollutant in a stream; 2) identifies the sources of the pollutant; and 3) recommends regulatory or other actions that may need to be taken in order for the impaired waterbody to meet water quality standards.
- 7.45.** “Urbanized area” is a land area comprising one or more places and the adjacent densely settled surrounding area that together have a residential population of at least 50,000 and an overall population density of at least 1,000 people per square mile.
- 7.46.** “Waters of the State” means all streams, lakes, ponds, marshes, water-courses, waterways, wells, springs, irrigation systems, drainage systems, and all other bodies or accumulations of water, surface and underground, natural or artificial, public or private which are contained within, flow through, or border upon this state or any portion thereof, except bodies of water confined to and retained within the limits of private property, and which do not develop into or constitute a nuisance, or a public health hazard, or a menace to fish and wildlife which shall not be considered to be “Waters of the State” under this definition (“UAC” R317-1-1.32).

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

**Authorization to Discharge Under the  
Utah Pollutant Discharge Elimination System**

**Storm Water General Permit for  
Construction Activities  
Permit No. UTR300000**

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.

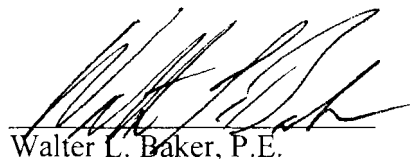
This Permit authorizes storm water discharges to waters of the State of Utah resulting from construction activities, including construction support activities, anywhere within the State of Utah as provided in Parts 1.4 and 1.5 of this Permit. This authorization is conditioned upon a discharger meeting the eligibility requirements in Part 1.2.2 of this Permit, including preparation of a Storm Water Pollution Prevention Plan prior to filing a Notice of Intent ("NOI") to discharge under this General Permit. A discharger is not covered by this Permit if the discharger submits an NOI but has not met these conditions.

This authorization is subject to the authority of the Utah Water Quality Board or the Executive Secretary of the Utah Water Quality Board to reopen this Permit (*see* Part 5.15 of this Permit), or to require a discharger to obtain an individual permit or use an alternative general permit (*see* Part 2.3 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 6 of this Permit.

This Permit shall become effective on July 1, 2008.

This Permit and the authorization to discharge shall expire at midnight, June 30, 2013, except as described in Part 2.4 of this Permit.

Signed this 26<sup>th</sup> day of June, 2008.



Walter L. Baker, P.E.  
Executive Secretary,  
Utah Water Quality Board

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**PART 1: PERMIT SCOPE AND COVERAGE**

- 1.1 Persons required to obtain authorization for discharge. No person may conduct construction activities that disturb an area greater than or equal to one acre without authorization for storm water discharge from the Executive Secretary. (See Utah Admin. Code Sections R317-8-3.9(6)(d)(10) and R317-8-3.9(6)(e)(1).) In addition, no person may conduct construction activities that disturb an area smaller than one acre if the disturbance is part of a larger common plan of development or sale that will ultimately disturb an area greater than or equal to one acre. *Id.* See Part 6.5 of this Permit for a definition of “construction activities.”
- 1.2 Permit Area and Eligibility.
  - 1.2.1. Construction activities located within the State of Utah, except for Indian Country (see Part 6.16 of this Permit for a definition of “Indian Country”) may be eligible to be covered under this Permit.
  - 1.2.2. Eligibility for authorization to discharge under this Permit is conditioned upon:
    - a. Preparation of a Storm Water Pollution Prevention Plan (“SWPPP”) (see Part 3 of this permit) prior to submission of a Notice of Intent (“NOI”);
    - b. Submission of a complete and accurate Notice of Intent to be covered by this Permit (see Part 1.8 of this Permit); and
    - c. Payment of applicable fees.
- 1.3 Authorization to Discharge. This Permit authorizes discharges of storm water from construction activities that disturb an area greater than or equal to one acre, and from construction activities that disturb an area smaller than one acre if the disturbance is part of a larger common plan of development or sale that will ultimately disturb an area greater than or equal to one acre. This authorization is subject to all of the terms and conditions of this Permit, including the requirement that the discharger must submit a Notice of Intent (“NOI”), and the prohibitions on discharges specified in Part 1.6.
- 1.4 Allowable Storm Water Discharges. Subject to compliance with the terms and conditions of this Permit, a Permittee is authorized to discharge pollutants in:
  - 1.4.1. Storm water associated with construction activity as that term is defined in Part 6.5 of this Permit (but see Part 1.4.3 of this Permit for limitations on discharges from construction support activities);
  - 1.4.2. Storm water discharges designated by the Executive Secretary as needing a storm water permit under R317-8-3.9(6)(e)(2);
  - 1.4.3. Discharges from construction support activities as that term is defined in Part 6.6 of this Permit, provided:
    - a. The support activity is directly related to the construction site required to have UPDES permit coverage for discharges of storm water associated with construction activity;
    - b. The support activity is not a commercial operation serving multiple unrelated construction projects by different owners/operators, and does not operate beyond the completion of the construction activity at the last construction project it supports; and
    - c. Appropriate controls and measures are identified in a Storm Water Pollution

Prevention Plan (SWPPP) covering the discharges from the support activity areas; and

- 1.4.4. Discharges composed of allowable discharges listed in Part 1.4 and 1.5 of this Permit commingled with a discharge authorized by a different UPDES permit and/or a discharge that does not require UPDES permit authorization.
- 1.5. Allowable Non-storm Water Discharges. A Permittee is authorized to make the following non-storm water discharges, provided the non-storm water component of the discharge is in compliance with Part 3.5.5 of this Permit:
  - 1.5.1. Discharges from fire-fighting activities;
  - 1.5.2. Fire hydrant flushings;
  - 1.5.3. Waters used to wash vehicles where detergents are not used;
  - 1.5.4. Water used to control dust in accordance with Part 3.5.2(c)(2);
  - 1.5.5. Potable water including uncontaminated water line flushings;
  - 1.5.6. Routine external building wash down that does not use detergents;
  - 1.5.7. Pavement wash waters where spills or leaks of toxic or hazardous materials have not occurred (unless all spilled material has been removed) and where detergents are not used;
  - 1.5.8. Uncontaminated air conditioning or compressor condensate;
  - 1.5.9. Uncontaminated ground water or spring water;
  - 1.5.10. Foundation or footing drains where flows are not contaminated with process materials such as solvents;
  - 1.5.11. Landscape and other irrigation drainage.
- 1.6. Discharges not allowed under this Permit. Notwithstanding any other language in this Permit, the following storm water discharges are not authorized by this Permit:
  - 1.6.1. Discharges from Construction Activities within Indian Country. This Permit does not cover discharges within Indian Country as that term is defined in Part 6.16 of this Permit;<sup>1</sup>
  - 1.6.2. Post Construction Discharges. Storm water discharges that originate from the site after construction activities have been completed and the site has undergone final stabilization;
  - 1.6.3. Discharges Mixed with Non-storm Water. Discharges that are mixed with sources of non-storm water other than discharges which are identified in Part 1.5 of this Permit and in compliance with Part 3.5.5 (non-storm water discharges) of this Permit;
  - 1.6.4. Discharges Covered by Another Permit. Storm water discharges associated with construction activity for which an individual permit has been issued, or for which the owner/operator is required to or may obtain coverage under an individual permit or an alternative general permit (*see* Part 2.3 of this Permit), including a general

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<sup>1</sup> The State of Utah, *Division of Water Quality*, does not have permit authority 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.

permit issued for areas regulated by a qualified municipal Separate Storm Sewer System Program;

- 1.6.5. Discharges Threatening Water Quality. Storm water discharges from construction activities that cause or have the reasonable potential to cause a violation of a water quality standard. *See* Part 2.2 of this Permit;
  - 1.6.6. Discharges from commercial construction support and related activities. Storm water discharges from construction support activities unless they are included within the definition in Part 6.6 of this permit;
  - 1.6.7. Spills. This Permit does not authorize the discharge of hazardous substances or oil resulting from an on-site spill; and
  - 1.6.8. Discharges that result from violations of this Permit.
- 1.7 Authorization to Discharge Date.
- 1.7.1. This permit is effective as of July 1, 2008 and is effective for five years, expiring at 11:59 p.m. on June 30, 2013.
  - 1.7.2. Unless notified by the Executive Secretary to the contrary, a discharger is authorized for coverage under this Permit and may begin construction activities immediately after preparing a SWPPP for the construction activities (*see* Part 1.2.2(a) of this Permit), and after submitting an NOI and permit fee (*see* Part 1.2.2(b) and (c) of this Permit). The date of submission of the NOI or a permit fee shall be the date of its receipt by the Executive Secretary, or the date the NOI or permit fee are submitted electronically using the website for the Utah Division of Water Quality. Any NOIs mailed to the Executive Secretary shall be mailed to the address specified in Part 5.11 of this Permit.
  - 1.7.3. The Executive Secretary may, with written notice (including electronic notice) delay authorization to verify an applicant's eligibility or resolve other concerns. In these instances, a discharger is not authorized for coverage under this permit until it receives notice from the Executive Secretary.
- 1.8 Notice of Intent
- 1.8.1. A person who wishes to submit an NOI must use the NOI form provided by the Executive Secretary (or a copy thereof), or submit an NOI electronically (<https://secure.utah.gov/stormwater/>)).
  - 1.8.2. All questions in an NOI form provided by the Executive Secretary or answered in the course of submitting an NOI electronically must be answered completely and accurately.
  - 1.8.3. The NOI, whether on the form provided by the Executive Secretary or submitted electronically, must include a certification statement, and must be signed and dated by an authorized representative as specified in Part 5.16 of this Permit.
- 1.9 Coverage before June 30, 2010. Permittee's that previously received authorization to discharge under the October 1, 2002 General Permit (2002 General Permit) and still have active coverage shall without submission of an NOI continue coverage under UTR200000 until June 30, 2010 at which time, or before if desired, the Permittee shall, by submission of an NOI (either on-line [www.waterquality.utah.gov/updes/stormwatercon.htm](http://www.waterquality.utah.gov/updes/stormwatercon.htm) or by paper submission) obtain coverage under this Permit (UTR300000).

- 1.10 Late Notifications. Persons are not prohibited from submitting NOIs after initiating clearing, grading, excavation activities, or other construction activities. When a late NOI is submitted, authorization for discharges occurs consistent with Subpart 2.1. The Agency reserves the right to take enforcement action for any un-permitted discharges that occur between the commencement of construction and discharge authorization.

**PART 2. SPECIAL CONDITIONS, MANAGEMENT PRACTICES,  
RESPONSIBILITIES, AND OTHER NON-NUMERIC LIMITATIONS**

- 2.1 Releases in excess of Reportable Quantities. The discharge of hazardous substances or oil in the storm water discharge(s) from a site shall be prevented or minimized in accordance with the applicable SWPPP for the site. This Permit does not relieve the Permittee of the reporting requirements of 40 CFR part 117, 40 CFR 110, and 40 CFR part 302. Where a release containing a hazardous substance in an amount equal to or in excess of a reportable quantity established under either 40 CFR 117, 40 CFR 110, or 40 CFR 302, occurs during a 24 hour period:
- 2.1.1. The Permittee is required to notify the National Response Center (NRC) (800-424-8802) in accordance with the requirements of 40 CFR 117, 40 CFR 110, and 40 CFR 302 and the Division of Water Quality (DWQ) (801-538-6146) or the 24 hour DWQ answering service at 801-536-4123 as soon as he or she has knowledge of the discharge;
  - 2.1.2. The Permittee shall submit within 14 calendar days of knowledge of the release a written description of: the release (including the type and estimate of the amount of material released), the date that such release occurred, the circumstances leading to the release, the measures taken and/or planned to be taken to cleanup the release, and steps to be taken to minimize the chance of future occurrences to the Executive Secretary; and
  - 2.1.3. The SWPPP required under Part 3 of this Permit must be modified within 14 calendar days of knowledge of the release to provide a description of the release, the circumstances leading to the release, and the date of the release. In addition, the SWPPP must be reviewed to identify measures to prevent the reoccurrence of such releases and to respond to such releases, and the SWPPP must be modified where appropriate.
- 2.2 Discharge Compliance with Water Quality Standards and TMDL requirements. Storm water discharges from construction activities that cause or have the reasonable potential to cause a violation of a water quality standard or a violation of Total Maximum Daily Load (“TMDL”) requirements are not authorized by this Permit. If there is a TMDL requirement for the receiving water, that requirement, rather than a water quality standard, will govern. If a discharge that would otherwise be covered by this Permit causes a violation or if there is a reasonable potential a discharge will cause a violation, the Permittee will take all necessary actions to ensure future discharges do not cause or contribute to the violation of a water quality standard or a TMDL requirement, and shall document these actions in the SWPPP.

If the Executive Secretary determines that construction activities have caused or have the reasonable potential to cause a violation of a water quality standard or a TMDL requirement, the discharger will be notified by the Executive Secretary of additional requirements for treatment or handling of the discharge to ensure future discharges do not cause or contribute to the violation. The Permittee will document these requirements in the SWPPP. The Executive Secretary may authorize continued coverage under this Permit after appropriate controls and implementation procedures, designed to bring the discharges



into compliance with water quality standards or TMDL requirements, have been included in the SWPPP.

Alternatively, the Executive Secretary may notify the Permittee that an individual permit application is necessary (see Part 2.3 of this Permit).

If violations remain or re-occur, then coverage under this Permit may be terminated by the Executive Secretary and an alternative permit may be issued or denied. Compliance with this requirement does not preclude any enforcement activity as provided by the Water Quality Act for the underlying violation.

### 2.3 Requiring an Individual Permit or an Alternative General Permit.

- 2.3.1. The Executive Secretary may require any person authorized by this Permit to apply for and/or obtain either an individual UPDES permit or an alternative UPDES general permit. Any interested person may petition the Executive Secretary to take action under this paragraph. Where the Executive Secretary requires a discharger authorized to discharge under this Permit to apply for an individual UPDES permit, the Executive Secretary shall notify the discharger in writing that a permit application is required. This notification shall include a brief statement of the reasons for this decision, an application form or reference to the application requirements, a statement setting a deadline for the discharger to file the application, and a statement that on the effective date of issuance or denial of the individual UPDES permit or the alternative general permit as it applies to the individual Permittee, coverage under this general Permit shall automatically terminate. Applications shall be submitted to the address of the Division of Water Quality shown in Part 5.11 of this Permit. The Executive Secretary may grant additional time to submit the application upon request of the applicant. If a discharger fails to submit in a timely manner an individual UPDES permit application as required by the Executive Secretary under this paragraph, then the applicability of this Permit to the individual UPDES permittee is automatically terminated at the end of the day specified for application submittal.
- 2.3.2. Any discharger authorized by this Permit may request to be excluded from the coverage of this Permit by applying for an individual permit. In such cases, the discharger shall submit an individual application in accordance with the requirements of Utah Administrative Code ("UAC") R317-8-3.9(2)(b)2 with reasons supporting the request, to the Executive Secretary at the address for the Division of Water Quality in Part 5.11 of this Permit. The request may be granted by issuance of any individual permit or an alternative general permit if the reasons cited by the Permittee are adequate to support the request.
- 2.3.3. When an individual UPDES permit is issued to a discharger who would otherwise be subject to this Permit, or the discharger is authorized to discharge under an alternative UPDES general permit, the applicability of this Permit to the individual UPDES permittee is automatically terminated on the effective date of the individual permit or the date of authorization for coverage under the alternative general permit, whichever the case may be. When an individual UPDES permit is denied to a discharger otherwise subject to this Permit or the discharger is denied for coverage under an alternative UPDES general permit, the applicability of this Permit to the

individual UPDES permittee is automatically terminated on the date of such denial, unless otherwise specified by the Executive Secretary.

- 2.4 Continuation of the Expired General Permit. This Permit expires on June 30, 2013. However, an expired general permit shall continue in force and effect after the expiration date until a new general permit is issued. If a discharger was eligible for and permitted under this Permit, and this Permit expires, the discharger will remain covered by this Permit until the earliest of:
- 2.4.1. One hundred twenty days after re-issuance or replacement of this Permit;
  - 2.4.2. The discharger submits a Notice of Termination in compliance with this Permit;
  - 2.4.3. The discharger is issued an individual permit for the project's discharges; or
  - 2.4.4. 180 days after the Executive Secretary makes a formal decision not to reissue or replace this Permit, at which time the discharger must seek coverage under an alternative general permit or an individual permit.

**PART 3. STORM WATER POLLUTION PREVENTION PLANS**

- 3.1. SWPPP required. A Storm Water Pollution Prevention Plan (“SWPPP”) shall be developed for each construction project covered by this Permit prior to submission of an NOI. A SWPPP shall be prepared in accordance with good engineering practices. It is recommended that the plan be signed by a Professional Engineer (P.E.) registered in the State. The SWPPP shall identify potential sources of pollution which may reasonably be expected to affect the quality of storm water discharges from the construction site, shall describe and ensure the implementation of practices which will be used to reduce the pollutants in storm water discharges associated with construction activity at the construction site and to assure compliance with the terms and conditions of this Permit, and shall otherwise meet the requirements of this Permit. As a condition of this Permit, Permittees must implement the SWPPP as written or modified from commencement of construction until final stabilization is complete and an NOT has been submitted. (This provision is not intended to address the potential liability of a Permittee or other current or former operator or owner in the event of a discharge of pollution from the property of an individual homeowner.)
- 3.2. SWPPP Location, Availability, Revision, and Signature.
  - 3.2.1. SWPPP Location. A copy of the SWPPP, including a copy of the Permit, the NOI, and any amendments to the SWPPP, shall be retained on-site at the site which generates the storm water discharge in accordance with this Part 3.2 and with Part 5.10 of this Permit. If the site is inactive or does not have an onsite location adequate to store the copy of the SWPPP, reasonable local access to a copy of the SWPPP during normal working hours (e.g., at a local library or government building), must be provided and the location of the SWPPP, along with a contact phone number, shall be posted on site at a publicly-accessible location. For linear construction projects, such as pipelines, the posted notice shall be located at a publicly accessible location near the active part of the construction project.
  - 3.2.2. SWPPP Availability. The Permittee shall make the copy of the SWPPP that is kept on-site or kept locally available for review upon request to the Executive Secretary; EPA; other local agencies approving sediment and erosion plans, grading plans, or storm water management plans; local government officials; or to the operators of a municipal separate storm sewer receiving discharges from the site. The Permittee need not provide a free copy of the SWPPP to these entities upon request, but if it chooses not to do so, it shall keep two copies of the SWPPP, in its entirety, and shall allow these entities to borrow one to make a copy at their own expense.
  - 3.2.3. Original SWPPP. If requested by the Executive Secretary, the original SWPPP, including any previous versions requested, shall be provided to the Executive Secretary within five working days of the request. The original provided shall be signed in accordance with Part 5.16 of this Permit.
  - 3.2.4. SWPPP Availability to the Public. The Permittee shall also make a copy of the SWPPP available to the public to review at reasonable times during regular business hours. Advance notice by the public of the desire to view the SWPPP may be required, not to exceed two working days. The Permittee need not provide a free copy of the SWPPP to members of the public, but if it chooses not to do so, it shall

- keep two copies of the SWPPP, in its entirety, and shall allow members of the public to borrow one to make a copy at their own expense.
- 3.2.5. Compelled Revisions. The Executive Secretary, or an authorized representative of the Executive Secretary, may notify the Permittee (co-Permittees) at any time that the SWPPP does not meet one or more of the minimum requirements of this Part 3. Such notification shall identify those provisions of the Permit which are not being met by the SWPPP, and identify which provisions of the SWPPP require modifications in order to meet the minimum requirements of this Part 3. Within 7 days of such notification from the Executive Secretary, (or as otherwise provided by the Executive Secretary), or authorized representative, the Permittee shall make the required changes to the SWPPP and shall submit to the Executive Secretary a written certification that the changes have been made. The Executive Secretary may take appropriate enforcement action for the period of time the Permittee was operating under a SWPPP that did not meet the minimum requirements of the Permit.
- 3.2.6. All SWPPPs must be signed and certified in accordance with Part 5.16 of this Permit.
- 3.3. Keeping SWPPPs Current.
- 3.3.1. The Permittee shall amend the SWPPP whenever there is a change in design, construction, operation, or maintenance, which has a significant effect on the discharge of pollutants to the waters of the State and which has not otherwise been addressed in the SWPPP.
- 3.3.2. The Permittee shall amend the SWPPP whenever inspections or investigations by site operators, local, state, or federal officials indicate the SWPPP is proving ineffective in eliminating or significantly minimizing pollutants from sources identified under Part 3.5.1 of this Permit, or is otherwise not achieving the general objectives of controlling pollutants in storm water discharges associated with construction activity.
- 3.3.3. The Permittee shall amend the SWPPP whenever a new owner/operator becomes responsible for implementing all or part of the SWPPP, as further described in Part 3.4 and Part 4.3 of this Permit.
- 3.3.4. The following records of activities shall be maintained as part of the SWPPP:
- Dates when major grading activities occur;
  - Dates when construction activities temporarily or permanently cease on a portion of or all of the site; and
  - Dates when stabilization measures are initiated.
- 3.3.5. Once an area has been finally stabilized, the Permittee may identify this area in the SWPPP and no further SWPPP or inspection requirements shall apply to that area.
- 3.4. More than one Permittee. A SWPPP may identify more than one Permittee and may specify the responsibilities of each Permittee by task, area, and/or timing. Permittees may coordinate and prepare more than one SWPPP to accomplish this. However, in the event there is a requirement under the SWPPP for which responsibility is ambiguous or is not included in the SWPPP(s), each Permittee shall be responsible for implementation of that requirement. Each Permittee is also responsible for assuring that its activities do not render another Permittee's controls ineffective.

3.5. Contents of SWPPP. The SWPPP shall include the following items:

3.5.1. Site Description. Each SWPPP shall provide a description of pollutant sources and other information as indicated:

- a. A description of the nature of the construction activity;
- b. A description of the intended sequence of major activities which disturb soils for major portions of the site (e.g. grubbing, excavation, grading, utilities, and infrastructure installation);
- c. Estimates of the total area of the site and the total area of the site that is expected to be disturbed by excavation, grading, or other activities, including areas for construction support;
- d. An estimate of the runoff coefficient of the site after construction activities are completed and existing data describing the soil or the quality of any discharge from the site;
- e. A general location map (e.g. portion of a city or county map or similar scale) and a site map indicating:
  - 1) drainage patterns and approximate slopes anticipated after major grading activities;
  - 2) construction boundaries and a description of existing vegetation prior to grading activities;
  - 3) areas of soil disturbance, and areas of no disturbance;
  - 4) the location of major structures and nonstructural controls identified in the SWPPP;
  - 5) Locations of areas used for construction support;
  - 6) the location of areas where stabilization practices are expected to occur;
  - 7) the location of surface waters (including wetlands); and
  - 8) locations where storm water is discharged or will discharge to a surface water;
- f. A description of any discharge associated with industrial activity other than construction at the site (including storm water discharges from dedicated portable asphalt plants and dedicated portable concrete plants), whether or not those discharges are covered by the Permit; and the location of that activity;
- g. The name of the receiving water(s), and aerial extent of wetland acreage at the site; and
- h. A copy of this Permit.

3.5.2. Controls. The SWPPP shall employ best management practices to control pollutants in storm water discharges. Each plan shall include a description of appropriate controls and measures that will be implemented during construction activity and while the site is unstabilized. The plan must clearly describe for each major activity identified in Part 3.5.1(b) appropriate control measures and the timing during the construction process that the measures will be implemented. The description and implementation of controls shall address the following minimum components:

- a. Erosion and Sediment Controls.
  - 1) Short and Long Term Goals and Criteria:
    - A) The construction-phase erosion and sediment controls should be designed to retain sediment on site to the maximum extent

- practicable.
- B) All control measures must be properly selected, installed, and maintained in accordance with the manufacturer's specifications and good engineering practices. If periodic inspections or other information indicates a control has been used inappropriately, incorrectly, or is ineffective the Permittee must replace or modify the control for site situations.
  - C) If sediments escape the construction site, off-site accumulations of sediment must be removed at a frequency sufficient to minimize the possibility of offsite impacts such as fugitive sediments washing into storm sewers by the next rain or posing a safety hazard to users of public streets.
  - D) Sediment must be removed from sediment traps or sedimentation ponds when design capacity has been reduced by 50%.
  - E) Litter, construction debris, and construction chemicals exposed to storm water shall be picked up prior to anticipated storm events (e.g. forecasted by local weather reports), or otherwise prevented from becoming a pollutant source for storm water discharges (e.g. screening outfalls, picked up daily, etc.).
  - F) Offsite material storage areas (also including overburden and stockpiles of dirt, etc.) used solely by the Permitted project are considered a part of the project and, unless a Permittee submits a separate NOI for such areas or they are subject to a separate UPDES permit, they shall be addressed in the SWPPP.
- 2) Stabilization Practices. A description of existing interim and permanent stabilization practices, including site-specific scheduling of the implementation of the practices. SWPPPs should ensure that existing vegetation is preserved where attainable and that disturbed portions of the site are stabilized. Stabilization practices may include: temporary seeding, permanent seeding, mulching, geo-textiles, sod stabilization, vegetative buffer strips, protection of trees, preservation of mature vegetation, and other appropriate measures. Use of impervious surfaces for stabilization should be avoided. Except as provided in paragraphs (A) and (B) below (Parts 3.5.2(a)(2)(A) and (B)), stabilization measures shall be initiated as soon as practicable in portions of the site where construction activities have temporarily or permanently ceased, but in no case more than 14 days after the construction activity in that portion of the site has temporarily or permanently ceased.
- A) Where the initiation of stabilization measures by the 14th day after construction activity temporarily or permanently ceases is precluded by snow cover or frozen ground conditions, stabilization measures shall be initiated as soon as practicable.
  - B) Where construction activity on a portion of the site is temporarily ceased, and earth disturbing activities will be resumed within 21 days, temporary stabilization measures do not have to be initiated on that portion of the site.
- 3) Structural Practices. The permittee shall provide a description of

structural practices that divert flows from exposed soils, store flows or otherwise limit runoff and the discharge of pollutants from exposed areas of the site to the degree attainable. Such practices may include silt fences, earth dikes, drainage swales, sediment traps, check dams, subsurface drains, pipe slope drains, level spreaders, storm drain inlet protection, rock outlet protection, reinforced soil retaining systems, gabions, and temporary or permanent sediment basins. Placement of structural practices in floodplains should be avoided to the degree attainable. The installation of these devices may be subject to Section 404 of the federal Clean Water Act ("CWA").

- A) 10 Acre Sediment Basin Requirement. Where attainable, for common drainage locations that serve areas with 10 or more acres disturbed at one time, the Permittee shall provide a temporary (or permanent) sediment basin that provides storage for a 10 year, 24 hour storm event, a calculated volume of runoff for disturbed acres drained, or equivalent control measures, until final stabilization of the site. Where calculations are not performed, a sediment basin providing 3,600 cubic feet of storage per acre drained (a 1 inch storm event), or equivalent control measures, shall be provided where attainable until final stabilization of the site. The required sizing of the sediment basin does not include flows from offsite areas and flows from onsite areas that are either undisturbed or have undergone final stabilization where such flows are diverted around both the disturbed area and the sediment basin. In determining whether installing a sediment basin is attainable, factors such as site soils, slope, and available area on site shall be considered. For drainage locations which serve 10 or more disturbed acres at one time and where a temporary sediment basin or equivalent controls is not attainable, smaller sediment basins and/or sediment traps (with comparable storage) must be used; or
- (i) at a minimum, equivalent controls in silt fences, vegetative buffer strips, sod, mulch, geo-textiles, stepped check dams, pipe slope drains or other sediment or erosion controls are required for all erodible areas, down slope boundaries of the construction area and side slope boundaries deemed appropriate as dictated by individual site conditions; or
  - (ii) it can be shown that site meteorological conditions do not warrant equivalent storage during the time period the 10-acres are destabilized (little or no chance of precipitation for the period of surface destabilization).
- B) Less Than 10 Acre BMP Requirement. For drainage locations serving less than 10 acres, sediment basins and/or sediment traps should be used. At a minimum, silt fences, vegetative buffer strips, or equivalent sediment controls are required for all down slope boundaries (and those side slope boundaries deemed appropriate as dictated by individual site conditions) of the construction area unless a sediment basin providing storage for

3,600 cubic feet of storage per acre drained is provided.

- b. Storm Water Management. Description of measures that will be installed during the construction process to control pollutants in storm water discharges that will occur after construction operations have been completed. Structural measures should be placed on upland soils to the degree attainable. The installation of these devices may be subject to Section 404 of the CWA. This Permit only addresses the installation of storm water management measures, and not the ultimate operation and maintenance of such structures after the construction activities have been completed and the site has undergone final stabilization. Permittees are only responsible for the installation and maintenance of storm water management measures prior to final stabilization of the site, and are not responsible for maintenance after storm water discharges associated with construction activity have been eliminated from the site. However, post-construction storm water BMPs that discharge pollutants from point sources once construction is completed, may in themselves, need authorization under a separate UPDES permit and are likely regulated under local municipal requirements.
- 1) Such measures may include:
    - A) storm water detention structures (including wet ponds);
    - B) storm water retention structures;
    - C) flow-attenuation by use of open vegetated swales and natural depressions;
    - D) infiltration of runoff onsite; and
    - E) sequential systems (which combine several practices).
  - 2) The SWPPP shall include an explanation of the technical basis used to select the practices to control pollution where flows exceed predevelopment levels.
  - 3) Storm water velocity dissipation devices shall be placed at discharge locations and along the length of any outfall channel for the purpose of providing a non-erosive flow velocity from the structure to a water course so that the natural physical and biological characteristics and functions are maintained and protected. The objective is to minimize significant changes in the hydrological regime of the receiving water.
- c. Other Controls.
- 1) Waste Disposal. No solid materials, including building materials, shall be discharged to waters of the State, except as authorized by a federal CWA Section 404 permits.
  - 2) Off-site Tracking. Off-site vehicle tracking of sediments and the generation of dust shall be minimized.
  - 3) Septic, Waste, and Sanitary Sewer Disposal. The SWPPP shall ensure and demonstrate compliance with applicable State and/or local waste disposal, sanitary sewer or septic system regulations.
  - 4) Exposure to Construction Materials. The SWPPP shall include a narrative description of practices to reduce pollutants from construction related materials which are stored onsite including an inventory of construction materials (including waste materials), storage practices to minimize exposure of the materials to storm water, and spill prevention and



response.

- 5) Support Areas. A description of pollutant sources from areas other than construction (including storm water discharges from dedicated portable asphalt plants and dedicated portable concrete plants), and a description of controls and measures that will be implemented at those sites.
- d. Other Laws and Requirements.
- 1) Local Storm Water Control Requirements. This Permit does not relieve the Permittee from compliance with other laws effecting erosion and sediment control or requirements for the permanent storm water system. Where applicable, compliance efforts to these requirements should be reflected in the SWPPP.
  - 2) Threatened or Endangered Species & Historic Properties. This Permit does not relieve the Permittee from compliance with Federal or State laws pertaining to threatened or endangered species or historic properties. Where applicable compliance efforts to these laws should be reflected in the SWPPP.
  - 3) Variance of Permit Requirements. Dischargers seeking alternative permit requirements shall submit an individual UPDES permit application in accordance with applicable law to the address indicated in Part 5.11 of this Permit, along with a description of why requirements in this Permit should not be applicable as a condition of a UPDES permit.

3.5.3. Maintenance. All vegetation, erosion and sediment control measures and other protective measures identified in the SWPPP shall be maintained in effective operating condition. A description of procedures to ensure the timely maintenance of these measures shall be identified in the SWPPP. Maintenance needs identified in inspections or by other means shall be accomplished before the next anticipated storm event, or as necessary to maintain the continued effectiveness of storm water controls. If maintenance prior to the next anticipated storm event is impracticable, maintenance must be scheduled and accomplished as soon as practicable.

3.5.4. Inspections.

- a. Inspections must be conducted in accordance with one of the two schedules listed below. The Permittee shall specify in its SWPPP which schedule it will be following.
  - 1) At least once every 7 calendar days; or
  - 2) At least once every 14 calendar days and within 24 hours of the end of a storm event of 0.5 inches or greater.
- b. Inspection frequency may be reduced to at least once every month if:
  - 1) The entire site is temporarily stabilized; or
  - 2) Runoff is unlikely due to winter conditions (e.g., site is covered with snow, ice, or the ground is frozen).
- c. The inspection requirement is waived until one month before thawing conditions are expected to result in a discharge if all of the following requirements are met:
  - 1) The project is located in an area where frozen conditions are anticipated to continue for extended periods of time (i.e., more than one month);

- 2) Land disturbance activities have been suspended; and
  - 3) The beginning and ending dates of the waiver period are documented in the SWPPP.
- d. Inspections must be conducted by qualified personnel (provided by the operator or cooperatively by multiple operators). "Qualified personnel" means a person knowledgeable in the principles and practice of erosion and sediment controls who possesses the skills to assess conditions at the construction site that could impact storm water quality and to assess the effectiveness of any sediment and erosion control measures selected to control the quality of storm water discharges from the construction activity.
- e. Inspections must include all areas of the site disturbed by construction activity and areas used for storage of materials that are exposed to precipitation. Inspectors must look for evidence of, or the potential for, pollutants entering the storm water conveyance system. Sedimentation and erosion control measures identified in the SWPPP must be observed to ensure proper operation. Discharge locations must be inspected to ascertain whether erosion control measures are effective in preventing significant impacts to waters of the United States, where accessible. Where discharge locations are inaccessible, nearby downstream locations must be inspected to the extent that such inspections are practicable. Locations where vehicles enter or exit the site must be inspected for evidence of off-site sediment tracking.
- f. Inspections at construction sites involving utility line installation, pipeline construction, and other long, narrow, linear construction may be more limited if the areas described in Part 3.5.4(e) of this Permit are not reasonably accessible or could cause additional disturbance of soils and increase the potential for erosion. In these circumstances, controls must be inspected at the same frequency as other construction projects, but personnel may instead inspect controls along the construction site for 0.25 mile above and below each access point where a roadway, undisturbed right-of-way, or other similar feature intersects the construction site and allows access to the areas described above. In the absence of evidence to the contrary, the conditions of the controls along each inspected 0.25 mile segment may be considered as representative of the condition of controls along that reach extending from the end of the 0.25 mile segment to either the end of the next 0.25 mile inspected segment, or to the end of the project, whichever occurs first.
- g. For each inspection required above, the inspector must complete an inspection report. At a minimum, the inspection report must include:
- 1) The inspection date;
  - 2) Names, titles, and qualifications of personnel making the inspection;
  - 3) Weather information for the period since the last inspection (or since commencement of construction activity if the first inspection) including a best estimate of the beginning of each storm event, duration of each storm event, approximate amount of rainfall for each storm event (in inches), and whether any discharges occurred;
  - 4) Weather information and a description of any discharges occurring at the time of the inspection;
  - 5) Location(s) of discharges of sediment or other pollutants from the site;

- 6) Location(s) of BMPs that need to be maintained;
  - 7) Location(s) of BMPs that failed to operate as designed or proved inadequate for a particular location;
  - 8) Location(s) where additional BMPs are needed that did not exist at the time of inspection; and
  - 9) Corrective action required including any changes to the SWPPP necessary and implementation dates.
- h. A record of each inspection and of any actions taken in accordance with this Part 3 must be retained as part of the SWPPP for at least three years from the date that permit coverage expires or is terminated. The inspection reports must identify any incidents of non-compliance with the permit conditions. Where a report does not identify any incidents of non-compliance, the report must contain a certification that the construction project or site is in compliance with the SWPPP and this permit. The report must be signed in accordance with Part 5.16 of this Permit.

3.5.5. Non-Storm Water Discharges. Except for flows from fire fighting activities, sources of non-storm water listed in Part 1.5 of this Permit that are combined with storm water discharges associated with industrial activity must be identified in the SWPPP. The SWPPP shall identify and ensure the implementation of appropriate pollution prevention measures for the non-storm water component(s) of the discharge.

#### **PART 4 . TERMINATION/CHANGES IN OWNER/OPERATOR FOR SITE**

- 4.1. Termination of Coverage: Permittees may or shall (as specified) terminate coverage under this Permit under the following conditions:
  - 4.1.1. Completion of construction activities and site stabilization: Permittees shall terminate coverage under this Permit by submitting a Notice of Termination (“NOT”) within thirty days after completion of all construction activities, completion of final stabilization of all areas of the site as defined in Part 6.15. The NOT shall be submitted on the form specified by the Executive Secretary.
  - 4.1.2. Partial completion of construction activities and site stabilization: A Permittee who, as specified in Part 3.4 of this Permit, is identified in the SWPPP as responsible for a specific area may terminate coverage under this Permit by submitting an NOT within thirty days after completion, for that area, of all construction activities, completion of final stabilization of all areas for which the Permittee was responsible and that were disturbed. The NOT shall be submitted on the form specified by the Executive Secretary, and the Permittee shall indicate on the form that it is a partial NOT.
  - 4.1.3. New responsible owner/operator: A Permittee may terminate its coverage under this Permit by submitting an NOT if another party (or parties) assumes responsibility for all remaining SWPPP requirements. Termination of the Permittee’s responsibilities under the SWPPP will not be final until the other party (or parties) submits an NOI. If the new responsible owner/operator fails to submit an NOI, the Permittee may complete termination by demonstrating to the Executive Secretary that it has entered into contracts that obligate the new owner/operator to undertake all remaining responsibilities under the SWPPP.
- 4.2. Conditions for Submitting an NOT: A Permittee may not submit an NOT unless it meets the requirements specified in Part 4.1. Appropriate enforcement actions may be taken if an NOT is submitted without these requirements having been met, and the Permittee may also continue to be responsible for any Permit violations.
- 4.3. Updating the SWPPP: If an NOT is submitted under Part 4.1.2 or 4.1.3, the SWPPP shall be updated by the remaining Permittee(s) to meet the requirements of Part 3.4 of the Permit.

## **PART 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 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.

a. Violations. The Act provides that any person who violates the Act, Utah wastewater rules, or conditions of a permit issued under the Act is subject to a fine of \$10,000 per day.

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 Ann. § 19-5-115.

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 Ann. § 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, it must apply for and obtain a new permit except as provided in Part 2.4 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 which has a reasonable likelihood of adversely affecting human health or the environment.

5.5. Duty to Provide Information. The Permittee shall furnish to the Executive Secretary or an authorized representative, within a reasonable time, any information which is requested to determine compliance with this Permit. The Permittee must also furnish to the Executive Secretary 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 Notice of Intent or in any other report to the Executive Secretary, 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.
- 5.10.1. 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 Executive Secretary at any time.
- 5.10.2. 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. Access to the SWPPP will continue as described in Part 3.2, however.
- 5.11. 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  
288 North 1460 West  
PO Box 144870  
Salt Lake City, Utah 84114-4870
- 5.12. State Laws.
- 5.12.1. 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.
- 5.12.2. 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 conditions of the Permit.

5.14. Inspection and Entry. The Permittee shall allow, upon presentation of credentials, the Executive Secretary or an authorized representative:

- 5.14.1. 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;
- 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 Part 2.3 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 UAC 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, or termination, or a notification of planned changes or anticipated noncompliance does not stay any Permit condition.

5.16. Signatory Requirements.

- 5.16.1. All Notices of Intent, SWPPPs, reports, certifications or information submitted to the Executive Secretary, or that this Permit requires be maintained by the Permittee, shall be signed as follows:
  - a. All Notices of Intent shall be signed as follows:
    - 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;
- 2) For a partnership or sole proprietorship: by a general partner or the proprietor, respectively; or
  - 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).
- b. All reports required by the Permit and other information requested by the Executive Secretary 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) The authorization is made in writing by a person described above and submitted to the Executive Secretary; and
  - 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).
- c. Certification. Any person signing documents under this Part 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.



## **PART 6. DEFINITIONS**

As used in this Permit:

- 6.1. "Act" means the "Utah Water Quality Act"
- 6.2. "Best Management Practices" ("BMPs") means schedules of activities, prohibitions of practices, maintenance procedures, and other management practices to prevent or reduce the discharge of pollutants to waters of the State. BMPs also include treatment requirements, operating procedures, and practices to control plant site runoff, spillage or leaks, sludge or waste disposal, or drainage from raw material storage.
- 6.3. "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 boundary signs, lot stakes, surveyor markings, etc.), or continuing obligation (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.
- 6.4. "Commencement of Construction" means the initial disturbance of soils associated with clearing, grading, or excavating activities or other construction activities.
- 6.5. "Construction activity" means soil disturbing activities such as clearing, grading, and excavating of land. The term also includes construction support activities.
- 6.6. "Construction support activities" means construction material and equipment storage and maintenance, concrete or asphalt batch plants, except as provided in Part 1.4.3 of this Permit.
- 6.7. "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.
- 6.8. "CWA" means Clean Water Act or the Federal Water Pollution Control Act.
- 6.9. "Dedicated portable asphalt plant" means a portable asphalt plant that is located on or contiguous to a construction site and that provides asphalt only to the construction site that the plant is located on or adjacent to.
- 6.10. "Dedicated portable concrete plant" means a portable concrete plant that is located on or contiguous to a construction site and that provides concrete only to the construction site that the plant is located on or adjacent to.
- 6.11. "Discharge," when used without qualification, means the discharge of a pollutant.

- 6.12. "EPA" means the United States Environmental Protection Agency.
- 6.13. "Eligible" means qualified for authorization to discharge storm water under this general permit.
- 6.14. "Executive Secretary" means Executive Secretary of the Utah Water Quality Board.
- 6.15. "Final Stabilization" means that all soil disturbing activities at the site have been completed, and that a uniform (e.g. evenly distributed, without large bare areas) perennial vegetative cover with a density of 70% of the native background vegetative cover for the area has been established on all unpaved areas and areas not covered by permanent structures, or equivalent permanent stabilization measures (such as the use of riprap, gabions, or geo-textiles) have been employed. In some parts of the country, background native vegetation will cover less than 100% of the ground (e.g. arid areas). Establishing at least 70% of the natural cover of native vegetation meets the vegetative cover criteria for final stabilization. For example, if the native vegetation covers 50% of the ground, 70% of 50% would require 35% total cover for final stabilization. For individual lots in residential construction, final stabilization means that either the homebuilder has completed final stabilization as specified above, or the homebuilder has established temporary stabilization including perimeter controls for an individual lot prior to occupation of the home by the homeowner and has obligated the homeowner, by contract, to complete the requirements for final stabilization within two years.
- 6.16. "Indian Country" is defined as in 40 CFR §122.2 to mean:
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 whether within or without the limits of a state; and
  3. All Indian allotments, the Indian titles to which have not been extinguished, including rights-of-ways running through the same.
- 6.17. "Municipal Separate Storm Sewer System" refers to all separate storm sewers that are owned or operated by the United States, a State, city, town, county, district, association, or other public body having jurisdiction over disposal of sewage, industrial wastes, storm water, or other wastes, including special districts under State law such as a sewer districts, flood control districts or drainage districts, or similar entity that discharges to waters of the State.
- 6.18. "NOI" means notice of intent to be covered by this Permit.
- 6.19. "NOT" means notice of termination.
- 6.20. "Point Source" means 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.

- 6.21. "Runoff coefficient" means the fraction of total rainfall that will appear at conveyance as runoff.
- 6.22. "Site" means the land or water area where any "facility or activity" is physically located or conducted, including adjacent land used in connection with the facility or activity.
- 6.23. "Storm water" means storm water runoff, snow melt runoff, and surface runoff and drainage.
- 6.24. "Storm water discharge associated with industrial activity" is defined in the Utah Administrative Code (UAC) R317-8-3.9(6)(c) & (d) and incorporated here by reference. Most relevant to this Permit is UAC R317-8-3.9(6)(d)10, which relates to construction activity including clearing, grading and excavation activities.
- 6.25. SWPPP means Storm Water Pollution Prevention Plan, referring to the plan required in Part 3 of this Permit.
- 6.26. "Total Maximum Daily Load" or "TMDL" means 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.
- 6.27. 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 (UAC R317-1-1.31).

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- AA. Facilities That Manufacture Metal Products including Jewelry, Silverware and Plated Ware
- AB. Facilities That Manufacture Transportation Equipment, Industrial or Commercial Machinery
- AC. Facilities That Manufacture Electronic and Electrical Equipment and Components, Photographic and Optical Goods
- AD. Non-Classified Facilities

APPENDIX III.

- A. List of "Section 313" Water Priority Chemicals

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**PART I**  
**Permit No.: UTR000000**

I. COVERAGE UNDER THIS PERMIT.

- A. Overview of the Multisector General Permit. *Parts I. - VIII.* apply to all facilities. *Parts I.* describe eligibility requirements. *Parts II. - VIII.* contain "basic" permit requirements.

*Appendix I* contains forms for application or termination of the permit and procedures to do such.

*Appendix II.* provides additional requirements for particular sectors of industrial activity. For example, primary metal facilities add *Appendix II.F.* to the "universal" *Parts I. - VIII.* requirements.

*Appendix III* contains a list of *EPCRA Section 313* "water priority chemicals".

Some facilities may have "co-located" activities that are described in more than one sector and need to comply with applicable conditions of each sector contained in the *Appendix*. For example, a chemical manufacturing facility could have a land application site and be subject to *Appendix II.C. - Chemical and Allied Products Manufacturing sector* (primary activity), with runoff from the land application site (co-located activity) also subject to conditions in the *Appendix II.L. - Landfills and Land Application Sites sector*.

- B. Permit Area. The permit covers all areas of the State of Utah except for Indian lands<sup>1</sup>.

C. Eligibility

1. Discharges Covered. Except for storm water discharges identified under *Part I.D.*, this permit may cover all new and existing point source discharges of storm water to waters of the State that are associated with industrial activity identified under the coverage sections contained in *Appendix II.* (see Table 1). Military installations must comply with the permit and monitoring requirements for all sectors that describe industrial activities that such installations perform.

**TABLE 1.**

Storm Water Discharges From:	Are Covered if Listed in Appendix:
Timber Products Facilities	II.A.1.

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<sup>1</sup> The State of Utah, *Division of Water Quality*, does not have permit authority for Indian lands. Storm water permits for Indian lands 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.

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<b>Storm Water Discharges From:</b>	<b>Are Covered if Listed in Appendix:</b>
Paper and Allied Products Manufacturing Facilities	II.B.1.
Chemical and Allied Products Manufacturing Facilities	II.C.1.
Asphalt Paving, Roofing Materials, and Lubricant Manufacturing Facilities	II.D.1.
Glass, Clay, Cement, Concrete, and Gypsum Product Manufacturing Facilities	II.E.1.
Primary Metals Facilities	II.F.1.
Metal Mines (Ore Mining and Dressing)	II.G.1.
Coal Mines and Coal Mine-Related Facilities	II.H.1.
Oil or Gas Extraction Facilities	II.I.1.
Mineral Mining and Processing Facilities	II.J.1.
Hazardous Waste Treatment Storage or Disposal Facilities	II.K.1.
Landfills and Land Application Sites	II.L.1.
Automobile Salvage Yards	II.M.1.
Scrap Recycling and Waste Recycling Facilities	II.N.1.
Steam Electric Power Generating Facilities	II.O.1.
Vehicle Maintenance or Equipment Cleaning areas at Motor Freight Transportation Facilities, Passenger Transportation Facilities, Petroleum Bulk Oil Stations and Terminals, the United States Postal Service, or Railroad Transportation Facilities	II.P.1.
Vehicle Maintenance Areas and Equipment Cleaning Areas of Water Transportation Facilities	II.Q.1.
Ship or Boat Building and Repair Yards	II.R.1.
Vehicle Maintenance Areas, Equipment Cleaning Areas or From Airport Deicing Operations located at Air Transportation Facilities	II.S.1.
Wastewater Treatment Works	II.T.1.
Food and Kindred Products Facilities	II.U.1.
Textile Mills, Apparel and other Fabric Product Manufacturing Facilities	II.V.1.
Furniture and Fixture Manufacturing Facilities	II.W.1.
Printing and Publishing Facilities	II.X.1.

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<b>Storm Water Discharges From:</b>	<b>Are Covered if Listed in Appendix:</b>
Rubber and Miscellaneous Plastic Product Manufacturing Facilities	II.Y.1.
Leather Tanning and Finishing Facilities	II.Z.1.
Facilities That Manufacture Metal Products including Jewelry, Silverware and Plated Ware	II.AA.1.
Facilities That Manufacture Transportation Equipment, Industrial or Commercial Machinery	II.AB.1.
Facilities That Manufacture Electronic and Electrical Equipment and Components, Photographic and Optical Goods	II.AC.1.
Non-Classified Facilities	II.AD.1

2. Construction. This permit may authorize storm water discharges associated with industrial activity that are mixed with storm water discharges associated with construction activities provided that the storm water discharge from the construction activity is authorized by and in compliance with the terms of the *UPDES Storm Water General Permit for Construction Activity*, General Permit Number UTR100000.
3. Storm Water Not Associated With Industrial Activity. Storm water discharges associated with industrial activity that are authorized by this permit may be combined with other sources of storm water that are not classified as associated with industrial activity pursuant to *Utah Administrative Code (UAC) R317-8-3.8(6)(c) & (d)* (see also the definition of “storm water discharge associated with industrial activity”, *Part VIII.A.21*).
4. Discharges Subject to New Source Performance Standards. Operators of facilities with storm water discharges subject to New Source Performance Standards<sup>2</sup> shall have documentation of a final *DWQ* decision indicating that the *DWQ* has determined that the storm water discharge will have no direct or indirect impact on the affected receiving waters

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<sup>2</sup>Storm water discharges subject to New Source Performance Standards (NSPS) and that may be covered under this permit include: runoff from material storage piles at cement manufacturing facilities [40 CFR Part 411 Subpart C (established February 23, 1977)]; contaminated runoff from phosphate fertilizer manufacturing facilities [40 CFR Part 418 Subpart A (established April 8, 1974)]; coal pile runoff at steam electric generating facilities [40 CFR Part 423 (established November 19, 1982)]; and runoff from asphalt emulsion facilities [40 CFR Part 443 Subpart A (established July 24, 1975)]. NSPS apply only to discharges from those facilities or installations that were constructed after the promulgation of NSPS. For example, storm water discharges from areas where the production of asphalt paving and roofing emulsions occurs are subject to NSPS only if the asphalt emulsion facility was constructed after July 24, 1975.

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of the State. This documentation shall be obtained and retained on site by 180 days after the submittal of the Notice of Intent. The information shall be sent to the appropriate address listed in *Part V.B.* of this permit.

- D. Limitations on Coverage. The following storm water discharges associated with industrial activity are **not** authorized by this permit:
1. Storm water discharges associated with industrial activities that are not listed under the coverage sections contained in *Appendix II.* (see Table 1).
  2. Storm water discharges subject to New Source Performance Standards except as provided in *Part I.C.4.*
  3. Storm water discharges associated with industrial activity that are mixed with sources of non-storm water other than non-storm water discharges that are:
    - a. In compliance with a different *UPDES* permit; or
    - b. Identified by and in compliance with *Part II.A.* (Prohibition of Non-storm Water Discharges) of this permit.
  4. Storm water discharges associated with industrial activity that are subject to an existing *UPDES* individual or general permit.
  5. Are located at a facility where a *UPDES* permit has been terminated (other than at the request of the permittee) or denied, or that are issued a permit in accordance with *Part VI.M.* (Requirements for Individual or Alternative General Permits) of this permit;
  6. Storm water discharges associated with industrial activity that the *Executive Secretary* (of the *Utah Water Quality Board*) has determined to be or may reasonably be expected to be contributing to a violation of a water quality standard. Where such determinations have been made, the discharger will be notified by the *Executive Secretary* of additional requirements for treatment or handling of the discharge or that an individual permit application is necessary. The *Executive Secretary* may authorize coverage under this permit after appropriate controls and implementation procedures, designed to bring the discharges into compliance with water quality standards, have been included in the pollution prevention plan;
  7. Discharges subject to storm water effluent guidelines, not described under *Appendix II.*
  8. Storm water discharges associated with industrial activity from inactive mining, inactive landfills, or inactive oil and gas operations occurring on Federal lands where an operator cannot be identified.

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- E. Authorization. Dischargers of storm water associated with industrial activity must submit a complete *NOI* using an *NOI* form as found in *Appendix I* (or photocopy thereof), including payment of the appropriate permit fee to be authorized to discharge under this general permit. Unless notified by the *Executive Secretary* to the contrary, owners or operators who submit such notification are authorized immediately to discharge storm water associated with industrial activity under the terms and conditions of this permit after the *NOI* is received by the *DWQ*. An operator that had coverage under the preceeding expired general storm water industrial permit, must submit the *NOI* from *Appendix I* and a permit fee by January 1, 1998, to have continued coverage under this permit. The *Executive Secretary* may, at any time, deny coverage under this permit and may require submittal of an application for an individual *UPDES* permit based on a review of the *NOI* or other information.
  
- F. DWQ Intent to Stagger Operator Renewal. The *DWQ* wishes to cover sectors in *Appendix II* identified in the table below for different periods of time under this permit. The table below shows the different time periods (beginning at the effective date of this permit) that the *DWQ* wishes to cover sectors in *Appendix II*. When that period of time is up, the *DWQ* will issue other permits for the specified sectors similar to this permit and with compliance issues scheduled in concert with this permit, such that permittees covered by this permit may continue under other permits with staggered renewal schedules. The objective for this action is to disperse permit renewals so that about 20% of all industrial storm water permittees will be up for renewal each year instead of 100% every 5 years. The purpose for this is simply to disperse the work load for the renewal process over 5 years rather than (how it is now) concentrating all general industrial storm water permit renewals in one year every five years.

Appendix II Sector	Years of Coverage Under This Permit
P	1
I, R, AB, and AC	2
E, G, U, AA, and AD	3
A, B, C, D, F, H, M, T, and W	4
J, K, L, N, O, Q, S, V, Y, and X	5

II. SPECIAL CONDITIONS.

A. Prohibition of Non-storm Water Discharges.

1. Storm Water Discharges. Except as provided in *Part II.A.2.* (below), all discharges covered by this permit shall be composed entirely of storm water.
2. Non-Storm Water Discharges.
  - a. Except as provided in *Part II.A.2.b.* (below), discharges other than storm water must be in compliance with a *UPDES* permit (other than this permit) issued for the discharge.
  - b. The following non-storm water discharges may be authorized by this permit provided the non-storm water component of the discharge is in compliance with *Part III* and *Appendix II*: discharges from fire fighting activities; fire hydrant flushings; potable water sources including waterline flushings; drinking fountain water; irrigation drainage; lawn watering; routine external building washdown that does not use detergents or other compounds; pavement washwaters where spills or leaks of toxic or hazardous materials (including oils and fuels) have not occurred (unless all spilled material has been removed) and where detergents are not used; air conditioning condensate; uncontaminated compressor condensate; uncontaminated springs; uncontaminated ground water; and foundation or footing drains where flows are not contaminated with process materials such as solvents.

B. Releases in Excess of Reportable Quantities.

1. Hazardous Substances or Oil. The discharge of hazardous substances or oil in the storm water discharge(s) from a facility shall be prevented or minimized in accordance with the applicable storm water pollution prevention plan for the facility. This permit does not relieve the permittee of the reporting requirements of *40 CFR Part 117*, *40 CFR Part 110*, and *40 CFR Part 302*. Except as provided in *Part II.B.2.* (Multiple Anticipated Discharges) of this permit, where a release containing a hazardous substance in an amount equal to or in excess of a reporting quantity established under either *40 CFR Part 117*, *40 CFR 110*, or *40 CFR Part 302*, occurs during a 24-hour period:
  - a. The discharger is required to notify the National Response Center (NRC) (800-424-8802; in the Washington, DC metropolitan area 202-426-2675) in accordance with the requirements of *40 CFR Part 117*, *40 CFR 110*, and *40 CFR Part 302* and the *Division of Water Quality* (DWQ) (801-538-6146; or the 24 hour *DWQ* answering service at 801-536-4123) as soon as he or she has knowledge of the discharge; and
  - b. The storm water pollution prevention plan required under *Part III.* (Storm Water Pollution Prevention Plans) of this permit must be modified within 14 calendar days

## **PART II**

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of knowledge of the release to: provide a description of the release, the circumstances leading to the release, and the date of the release. In addition, the plan must be reviewed by the permittee to identify measures to prevent the reoccurrence of such releases and to respond to such releases, and the plan must be modified where appropriate; and

- c. The permittee shall submit within 14 calendar days of knowledge of the release a written description of: the release (including the type and estimate of the amount of material released), the date that such release occurred, the circumstances leading to the release, and steps to be taken in accordance with *Part II.B.1.b.* (above) of this permit to the *DWQ* at the address provided in *Part V.B.* (Reporting: Where to Submit) of this permit.
2. Multiple Anticipated Discharges. Facilities that have more than one anticipated discharge per year containing the same hazardous substance in an amount equal to or in excess of a reportable quantity established under either *40 CFR Part 117*, *40 CFR 110*, or *40 CFR Part 302*, that occurs during a 24-hour period, where the discharge is caused by events occurring within the scope of the relevant operating system shall:
    - a. Submit notifications in accordance with *Part II.B.1.b.* (above) of this permit for the first such release that occurs during a calendar year (or for the first year of this permit, after submittal of an NOI); and
    - b. Shall provide in the storm water pollution prevention plan required under *Part III.* (Storm Water Pollution Prevention Plans) a written description of the dates on which all such releases occurred, the type and estimate of the amount of material released, and the circumstances leading to the releases. In addition, the plan must be reviewed to identify measures to prevent or minimize such releases and the plan must be modified where appropriate.
  3. Spills. This permit does not authorize the discharge of hazardous substances or oil resulting from an onsite spill.
- C. Co-located Industrial Activity. In the case where a facility has industrial activities occurring onsite which are described by any of the activities in other sections of *Appendix II*, those industrial activities are considered to be co-located industrial activities. Storm water discharges from co-located industrial activities are authorized by this permit, provided that the permittee complies with any and all additional pollution prevention plan and monitoring requirements from other sections of *Appendix II* applicable to the co-located industrial activity. The operator of the facility shall determine which additional pollution prevention plan and monitoring requirements are applicable to the co-located industrial activity by examining the narrative descriptions of each coverage section (Discharges Covered Under This Section) in the NOI form (*Appendix I*) of this permit.

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- D. Discharge Compliance with Water Quality Standards. Dischargers seeking coverage under this permit shall not be causing or have the reasonable potential to cause or contribute to a violation of a water quality standard. 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 *Executive Secretary* will notify the operator of such violation(s) and the permittee shall take all necessary actions to ensure future discharges do not cause or contribute to the violation of a water quality standard and document these actions in the pollution prevention plan. If violations remain or re-occur, then coverage under this permit will be terminated by the *Executive Secretary* and an alternative permit may be issued or denied. Compliance with this requirement does not preclude any enforcement activity as provided by the *Water Quality Act* for the underlying violation.



## **PART III**

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III. **STORM WATER POLLUTION PREVENTION PLANS.** A storm water pollution prevention plan shall be developed for each facility covered by this permit. Storm water pollution prevention plans shall be prepared in accordance with good engineering practices and in accordance with the factors outlined in *40 CFR 125.3(d)(2)* or *(3)* as appropriate. The *DWQ* recommends that plans be signed by a State registered Professional Engineer (P.E.), particularly where plans are complex, treatment systems are used, and risks to storm water discharges are significant. The plan shall identify potential sources of pollution that may reasonably be expected to affect the quality of storm water discharges associated with industrial activity from the facility. In addition, the plan shall describe and ensure the implementation of practices that are to be used to reduce the pollutants in storm water discharges associated with industrial activity at the facility and to assure compliance with the terms and conditions of this permit. Facilities must implement the provisions of the storm water pollution prevention plan required under this part as a condition of this permit.

#### A. Deadlines for Plan Preparation and Compliance.

1. Existing Facilities. Except as provided in *Part III.A.3.* and *4.* (below), all existing facilities and new facilities that begin operation on or before October 1, 1998 shall prepare and implement the plan by October 1, 1998.
2. New Facilities. Facilities that begin operation after October 1, 1998 shall prepare and implement the plan prior to submitting the Notice of Intent.
3. Oil and Gas Facilities. Oil and gas exploration, production, processing or treatment facilities that are not required to submit a permit application on or before January 1, 1998, in accordance with *UAC R317-8-3.8(2)(a)3.*, but after October 1, 1998, have a discharge of a reportable quantity of oil or a hazardous substance for which notification is required pursuant to either *40 CFR 110.6* or *40 CFR 302.6*, shall prepare and implement the plan on or before the date 60 calendar days after first knowledge of such release.
4. Facilities Continuing Coverage Under the Multi-Sector General Permit upon Expiration of the Baseline General Permit. Facilities previously subject to the *UPDES* General Permit for Storm Water Discharges Associated With Industrial Activity that are renewing coverage under this permit shall continue to implement the storm water pollution prevention plan required by that permit. The plan shall be revised as necessary to address requirements under *Appendix II.* of this permit no later than October 1, 1998. The revisions made to the plan shall be implemented on or before October 1, 1998.
5. Measures That Require Construction. In cases where construction is necessary to implement measures required by the plan, the plan shall contain a schedule that provides compliance with the plan as expeditiously as practicable, but no later than January 1, 2001. Where a construction compliance schedule is included in the plan, the schedule shall include appropriate non-structural and/or temporary controls to be implemented in the affected portion(s) of the facility prior to completion of the permanent control measure.

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6. Extensions. Upon a showing of good cause, the *Executive Secretary* may establish a later date in writing for preparing and compliance with a plan for a storm water discharge associated with industrial activity.
- B. Signature and Plan Review .
1. Signature/Location. The plan shall be signed in accordance with *Part VI.G.* (Signatory Requirements), and be retained onsite at the facility that generates the storm water discharge in accordance with *Part VI.P.2.* (Retention of Records) of this permit. For inactive facilities, the plan may be kept at the nearest office of the permittee.
  2. Plan Availability. The permittee shall make plans available upon request to the *Executive Secretary*; other local agencies approving storm water management plans; interested members of the public; local government officials; or to the operators of a municipal separate storm sewer receiving discharges from the site. Viewing by the public shall be at reasonable times during regular business hours (advance notice by the public of the desire to view the plan may be required, not to exceed two working days). The permit does not require that free copies of the plan be provided to interested members of the public, only that they have access to view the document and copy it at their own expense. The copy of the plan required to be kept onsite (or locally available) must be made available to the *Executive Secretary* (or authorized representative) for review at the time of an onsite inspection.
  3. Required Modifications. The *Executive Secretary*, or authorized representative, may notify the permittee at any time that the plan does not meet one or more of the minimum requirements of this part. Such notification shall identify those provisions of the permit that are not being met by the plan, and identify which provisions of the plan requires modifications in order to meet the minimum requirements of this part. Within 30 days of such notification from the *Executive Secretary*, (or as otherwise provided by the *Executive Secretary*), or authorized representative, the permittee shall make the required changes to the plan and shall submit to the *Executive Secretary* a written certification that the requested changes have been made.
- C. Keeping Plans Current. The permittee shall amend the plan whenever there is a change in design, construction, operation, or maintenance, that has a significant effect on the potential for the discharge of pollutants to the waters of the State or if the storm water pollution prevention plan proves to be ineffective in eliminating or significantly minimizing pollutants from sources identified under *Part III.D.* (Contents of the Plan) of this permit, or in otherwise achieving the general objectives of controlling pollutants in storm water discharges associated with industrial activity. New owners shall review the existing plan and make appropriate changes: Amendments to the plan may be reviewed by the *Executive Secretary*, or an authorized representative, in the same manner as *Part III.B.* (above).
- D. Contents of the Plan. The contents of the pollution prevention plan shall comply with the

**PART III**  
**Permit No.: UTR000000**

requirements listed in the appropriate section of *Appendix II*. (Specific Requirements for Industrial Activities). Table 2 lists the location of the plan requirements for the respective industrial activities. These requirements are cumulative. If a facility has co-located activities that are covered in more than one section of *Appendix II*., that facility's pollution prevention plan must comply with the requirements listed in all applicable sections of this permit.

**Table 2**  
**Pollution Prevention Plan Requirements**

<b>Storm Water Discharges From:</b>	<b>Are Subject to Pollution Prevention Plan Requirements Listed in Appendix:</b>
Timber Products Facilities	II.A.3.
Paper and Allied Products Manufacturing Facilities	II.B.3.
Chemical and Allied Products Manufacturing Facilities	II.C.4.
Asphalt Paving, Roofing Materials, and Lubricant Manufacturing Facilities	II.D.3.
Glass, Clay, Cement Concrete and Gypsum Product Manufacturing Facilities	II.E.3.
Primary Metals Facilities	II.F.3.
Metal Mines (Ore Mining and Dressing)	II.G.3.
Coal Mines and Coal Mine-Related Facilities	II.H.3.
Oil or Gas Extraction Facilities	II.I.3.
Mineral Mining and Processing Facilities	II.J.3.
Hazardous Waste Treatment Storage or Disposal Facilities	II.K.3.
Landfills and Land Application Sites	II.L.3.
Automobile Salvage Yards	II.M.2.
Scrap and Waste Recycling Facilities	II.N.3.
Steam Electric Power Generating Facilities	II.O.3.
Vehicle Maintenance or Equipment Cleaning areas at Motor Freight Transportation Facilities, Passenger Transportation Facilities, Petroleum Bulk Oil Stations and Terminals, the United States Postal Service, or Railroad Transportation Facilities	II.P.3.

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<b>Storm Water Discharges From:</b>	<b>Are Subject to Pollution Prevention Plan Requirements Listed in Appendix:</b>
Vehicle Maintenance Areas and Equipment Cleaning Areas of Water Transportation Facilities	II.Q.3.
Ship or Boat Building and Repair Yards	II.R.3.
Vehicle Maintenance Areas, Equipment Cleaning Areas or From Airport Deicing Operations located at Air Transportation Facilities	II.S.3.
Wastewater Treatment Works	II.T.3.
Food and Kindred Products Facilities	II.U.3.
Textile Mills, Apparel and other Fabric Product Manufacturing Facilities	II.V.3.
Furniture and Fixture Manufacturing Facilities	II.W.3.
Printing and Publishing Facilities	II.X.3.
Rubber and Miscellaneous Plastic Product Manufacturing Facilities	II.Y.3.
Leather Tanning and Finishing Facilities	II.Z.3.
Facilities That Manufacture Metal Products including Jewelry, Silverware and Plated Ware	II.AA.3.
Facilities That Manufacture Transportation Equipment, Industrial or Commercial Machinery	II.AB.3.
Facilities That Manufacture Electronic and Electrical Equipment and Components, Photographic and Optical Goods	II.AC.3.
Non-Classified Facilities	II.AD.3.

- E. Special Pollution Prevention Plan Requirements. In addition to the minimum standards listed in *Appendix II.* of this permit (Specific Requirements for Industrial Activities), the storm water pollution prevention plan shall include a complete discussion of measures taken to conform with the following applicable guidelines, other effective storm water pollution prevention procedures, and applicable State rules, regulations and guidelines:
1. Additional Requirements for Storm Water Discharges Associated With Industrial Activity that Discharge Into or Through Municipal Separate Storm Sewer Systems Serving a Population of 100,000 or More.

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- a. In addition to the applicable requirements of this permit, facilities covered by this permit are not relieved from meeting applicable requirements in municipal storm water management programs developed under *UPDES* permits issued for the discharge of the municipal separate storm sewer system that receives the facility's discharge.
  - b. Permittees that discharge storm water associated with industrial activity through a municipal separate storm sewer system serving a population of 100,000 or more, or a municipal system designated by the *Executive Secretary* shall make plans available to the municipal operator of the system upon request.
2. Additional Requirements for Storm Water Discharges Associated With Industrial Activity From Facilities Subject to *EPCRA Section 313* Requirements. In addition to the requirements of *Appendix II.* of this permit and other applicable conditions of this permit, storm water pollution prevention plans for facilities subject to reporting requirements under *EPCRA Section 313* for chemicals that are classified as “Section 313 water priority chemicals” in accordance with the definition in *Part VIII.* of this permit, except as provided in *Part III.E.2.c.* (below), shall describe and ensure the implementation of practices that are necessary to provide for conformance with the following guidelines:
- a. In areas where Section 313 water priority chemicals are stored, processed or otherwise handled, appropriate containment, drainage control and/or diversionary structures shall be provided unless otherwise exempted under *Part III.E.2.c.* At a minimum, one of the following preventive systems or its equivalent shall be used:
    - (1) Curbing, culverting, gutters, sewers, or other forms of drainage control to prevent or minimize the potential for storm water runoff to come into contact with significant sources of pollutants; or
    - (2) Roofs, covers or other forms of appropriate protection to prevent storage piles from exposure to storm water and wind.
  - b. In addition to the minimum standards listed under *Part III.E.2.a.* (above) of this permit, except as otherwise exempted under *Part III.E.2.c.* (below) of this permit, the storm water pollution prevention plan shall include a complete discussion of measures taken to conform with other effective storm water pollution prevention procedures, and applicable State rules, regulations, and guidelines:
    - (1) Liquid Storage Areas Where Storm Water Comes Into Contact With Any Equipment, Tank, Container, or Other Vessel Used for Section 313 Water Priority Chemicals.
      - (a) No tank or container shall be used for the storage of a Section 313 water

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priority chemical unless its material and construction are compatible with the material stored and conditions of storage such as pressure and temperature, etc.

- (b) Liquid storage areas for Section 313 water priority chemicals shall be operated to minimize discharges of Section 313 chemicals. Appropriate measures to minimize discharges of Section 313 chemicals may include secondary containment provided for at least the entire contents of the largest single tank plus sufficient freeboard to allow for precipitation, a strong spill contingency and integrity testing plan, and/or other equivalent measures.
- (2) Material Storage Areas for Section 313 Water Priority Chemicals Other Than Liquids. Material storage areas for Section 313 water priority chemicals other than liquids that are subject to runoff, leaching, or wind shall incorporate drainage or other control features that will minimize the discharge of Section 313 water priority chemicals by reducing storm water contact with Section 313 water priority chemicals.
- (3) Truck and Rail Car Loading and Unloading Areas for Liquid Section 313 Water Priority Chemicals. Truck and rail car loading and unloading areas for liquid Section 313 water priority chemicals shall be operated to minimize discharges of Section 313 water priority chemicals. Protection such as overhangs or door skirts to enclose trailer ends at truck loading/unloading docks shall be provided as appropriate. Appropriate measures to minimize discharges of Section 313 chemicals may include: the placement and maintenance of drip pans (including the proper disposal of materials collected in the drip pans) where spillage may occur (such as hose connections, hose reels and filler nozzles) for use when making and breaking hose connections; a strong spill contingency and integrity testing plan; and/or other equivalent measures.
- (4) Areas Where Section 313 Water Priority Chemicals Are Transferred, Processed, or Otherwise Handled. Processing equipment and materials handling equipment shall be operated so as to minimize discharges of Section 313 water priority chemicals. Materials used in piping and equipment shall be compatible with the substances handled. Drainage from process and materials handling areas shall minimize storm water contact with Section 313 water priority chemicals. Additional protection such as covers or guards to prevent exposure to wind, spraying or releases from pressure relief vents from causing a discharge of Section 313 water priority chemicals to the drainage system shall be provided as appropriate. Visual inspections or leak tests shall be provided for overhead piping conveying Section 313 water priority chemicals without secondary containment.

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- (5) Discharges From Areas Covered by Paragraphs (1), (2), (3), or (4) (above).
- (a) Drainage from areas covered by paragraphs (1), (2), (3), or (4) of this part (above) should be restrained by valves or other positive means to prevent the discharge of a spill or other excessive leakage of Section 313 water priority chemicals. Where containment units are employed, such units may be emptied by pumps or ejectors; however, these shall be manually activated.
  - (b) Flapper-type drain valves shall not be used to drain containment areas. Valves used for the drainage of containment areas should, as far as is practical, be of manual, open-and-closed design.
  - (c) If facility drainage is not engineered as above, the final discharge of all in-facility storm sewers shall be equipped to be equivalent with a diversion system that could, in the event of an uncontrolled spill of Section 313 water priority chemicals, return the spilled material to the facility.
  - (d) Records shall be kept of the frequency and estimated volume (in gallons) of discharges from containment areas.
- (6) Facility Site Runoff Other Than From Areas Covered By (1), (2), (3), or (4). Other areas of the facility (those not addressed in paragraphs (1), (2), (3), or (4)), from which runoff that may contain Section 313 water priority chemicals or spills of Section 313 water priority chemicals could cause a discharge shall incorporate the necessary drainage or other control features to prevent discharge of spilled or improperly disposed material and ensure the mitigation of pollutants in runoff or leachate.
- (7) Preventive Maintenance and Housekeeping. All areas of the facility shall be inspected at specific intervals identified in the plan for leaks or conditions that could lead to discharges of Section 313 water priority chemicals or direct contact of storm water with raw materials, intermediate materials, waste materials or products. In particular, facility piping, pumps, storage tanks and bins, pressure vessels, process and material handling equipment, and material bulk storage areas shall be examined for any conditions or failures that could cause a discharge. Inspection shall include examination for leaks, wind blowing, corrosion, support or foundation failure, or other forms of deterioration or noncontainment. Inspection intervals shall be specified in the plan and shall be based on design and operational experience. Different areas may require different inspection intervals. Where a leak or other condition is discovered that may result in significant releases of Section 313 water priority

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chemicals to waters of the State, action to stop the leak or otherwise prevent the significant release of Section 313 water priority chemicals to waters of the State shall be immediately taken or the unit or process shut down until such action can be taken. When a leak or noncontainment of a Section 313 water priority chemical has occurred, contaminated soil, debris, or other material must be promptly removed and disposed in accordance with Federal, State, and local requirements and as described in the plan.

- (8) Facility Security. Facilities shall have the necessary security systems to prevent accidental or intentional entry that could cause a discharge. Security systems described in the plan shall address fencing, lighting, vehicular traffic control, and securing of equipment and buildings.
  - (9) Training. Facility employees and contractor personnel that work in areas where Section 313 water priority chemicals are used or stored shall be trained in and informed of preventive measures at the facility. Employee training shall be conducted at intervals specified in the plan, but not less than once per year. Training shall address: pollution control laws and regulations, the storm water pollution prevention plan and the particular features of the facility and its operation that are designed to minimize discharges of Section 313 water priority chemicals. The plan shall designate a person who is accountable for spill prevention at the facility and who will set up the necessary spill emergency procedures and reporting requirements so that spills and emergency releases of Section 313 water priority chemicals can be isolated and contained before a discharge of a Section 313 water priority chemical can occur. Contractor or temporary personnel shall be informed of facility operation and design features in order to prevent discharges or spills from occurring.
- c. Facilities subject to reporting requirements under EPCRA Section 313 for chemicals that are classified as 'Section 313 water priority chemicals' in accordance with the definition in *Part VIII*. of this permit that are handled and stored onsite only in gaseous or non-soluble liquid or solid (at atmospheric pressure and temperature) forms may provide a certification as such in the pollution prevention plan in lieu of the additional requirements in *Part III.E.2*. Such certification shall include a narrative description of all water priority chemicals and the form in which they are handled and stored, and shall be signed in accordance with *Part VI.G*. (Signatory Requirements) of this permit.
  - d. The storm water pollution prevention plan shall be certified in accordance with *Part VI.G*. (Signatory Requirements) of this permit.
3. Additional Requirements for Salt Storage. Storage piles of salt used for deicing or other commercial or industrial purposes and that generate a storm water discharge associated with industrial activity that is discharged to waters of the State shall be enclosed or covered



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to prevent exposure to precipitation, except for exposure resulting from adding or removing materials from the pile. The *Executive Secretary* may waive this requirement for salt piles located in areas where surface and/or ground waters are already high in concentrations of salt.

4. Consistency With Other Plans. Storm water pollution prevention plans may reference the existence of other plans for Spill Prevention, Control, and Countermeasure (SPCC), plans developed for the facility under Section 311 of the CWA, or *Best Management Practices (BMP)* Programs otherwise required by a *UPDES* permit for the facility as long as such requirement(s) is incorporated into the storm water pollution prevention plan.
5. Other Laws and Requirements.
  - (1) Local Storm Water Control Requirements. This permit does not relieve the permittee from compliance with other laws affecting storm water discharges. If the requirements of this permit appears to be a conflict in with other laws or local requirements the permittee must contact the *Executive Secretary* within 30 days of knowledge of any discrepancies. Where applicable, compliance efforts to other storm water requirements (as they pertain to water quality issues) should also be reflected in the SWP3.
  - (2) Threatened or Endangered Species & Historic Properties. This permit does not relieve the permittee from compliance with Federal or State laws pertaining to threatened or endangered species or historic properties. Where applicable compliance efforts to these laws should be reflected in the SWP3.

IV. NUMERIC EFFLUENT LIMITATIONS

- A. Discharges Associated With Specific Industrial Activity. Numeric effluent limitations for storm water discharges associated with a specific industrial activity are described in *Appendix II*. of this permit.
  
- B. Coal Pile Runoff. Any discharge composed of coal pile runoff shall not exceed a maximum concentration for any time of 50 mg/L total suspended solids. Coal pile runoff shall not be diluted with storm water or other flows in order to meet this limitation. The pH of such discharges shall be within the range of 6.5 to 9.0. Any untreated overflow from facilities designed, constructed and operated to treat the volume of coal pile runoff that is associated with a 10-year, 24-hour rainfall event shall not be subject to the 50 mg/L limitation for total suspended solids.

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V. MONITORING AND REPORTING REQUIREMENTS

A. Monitoring Requirements.

1. Limitations on Monitoring Requirements.

- a. Except as required by paragraph b. (below), only those facilities with discharges or activities identified in *Part V.C.* and *Appendix II.* are required to conduct sampling of their storm water discharges associated with industrial activity. Monitoring requirements under *Parts V.C.* and *Appendix II.* are additive. Facilities with discharges or activities described in more than one monitoring section are subject to all applicable monitoring requirements from each section.
- b. The *Executive Secretary* can provide written notice to any facility otherwise exempt from the sampling requirements of *Parts V.C.* and *Appendix II.* that it shall conduct discharge sampling for a specific monitoring frequency for specific parameters.

B. Reporting: Where to Submit.

1. Location. Signed copies of storm water discharge monitoring reports (SWDMR) required under *Parts V.C.* and *Appendix II.*, individual permit applications, and all other reports required herein, shall be submitted to the *Executive Secretary* of the *Water Quality Board* at the address listed below. For each outfall, one SWDMR form must be submitted per storm event sampled.

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

2. Additional Notification. In addition to filing copies of discharge monitoring reports in accordance with *Part V.B.1* (above), facilities with at least one storm water discharge associated with industrial activity through a large or medium municipal separate storm sewer system (systems serving a population of 100,000 or more) or a municipal system designated by the *Executive Secretary* must submit signed copies of discharge monitoring reports to the operator of the municipal separate storm sewer system in accordance with the dates provided in *Appendix II.* Facilities not required to report monitoring data under *Appendix II.* and facilities that are not otherwise required to monitor their discharges, have no need to comply with this provision.

- C. Special Monitoring Requirements for Coal Pile Runoff. During the period beginning on the effective date and lasting through the expiration date of this permit, permittees with storm water discharges containing coal pile runoff shall monitor such storm water for: pH and TSS (mg/l) at least annually (1 time per year). Permittees with discharges containing coal pile runoff must report in accordance with *Part IV.B.* (Coal Pile Runoff) and *Part V.B.* (Reporting: Where to

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Submit). In addition to the parameters listed above, the permittee shall provide the date and duration (in hours) of the storm event(s) sampled; rainfall measurements or estimates (in inches) of the storm event that generated the sampled runoff; the duration between the storm event samples and the end of the previous measurable (greater than 0.1 inch rainfall) storm event; and an estimate of the total volume (in gallons) of the discharge samples.

1. Sample Type. Discharges containing coal pile runoff shall be monitored by a grab sample(s). All such samples shall be collected from the discharge resulting from a storm event that is greater than 0.1 inches in magnitude and that occurs at least 72 hours from the previously measurable (greater than 0.1 inch rainfall) storm event. The required 72-hour storm event interval is waived where the preceding measurable storm event did not result in a measurable discharge from the facility. The required 72-hour storm event interval may also be waived where the permittee documents that less than a 72-hour interval is representative for local storm events during the season when sampling is being conducted. The grab sample shall be taken during the first 30 minutes of the discharge. If the collection of a grab sample during the first 30 minutes is impracticable, a grab sample can be taken during the first hour of the discharge, and the discharger shall submit with the monitoring report a description of why a grab sample during the first 30 minutes was impracticable.
2. Sampling Waiver. When a discharger is unable to collect samples of coal pile runoff due to adverse climatic conditions, the discharger shall collect a substitute sample from a separate qualifying event in the next period and submit this data along with the data for the routine sample in that period. Adverse weather conditions that may prohibit the collection of samples include weather conditions that create dangerous conditions for personnel (such as local flooding, high winds, hurricane, tornadoes, electrical storms, etc.) or otherwise make the collection of a sample impracticable (drought, extended frozen conditions, etc.).
3. Representative Discharge. When a facility has two or more outfalls containing coal pile runoff that, based on a consideration of the other industrial activity, and significant materials, and upon management practices and activities within the area drained by the outfall, and the permittee reasonably believes substantially identical effluents are discharged, the permittee may test the effluent of one of such outfalls and report that the quantitative data also applies to the substantially identical outfalls provided that the permittee includes in the storm water pollution prevention plan a description of the location of the outfalls and explains in detail why the outfalls are expected to discharge substantially identical effluents. In addition, for each outfall that the permittee believes is representative, an estimate of the size of the drainage area (in square feet) and an estimate of the runoff coefficient of the drainage area (e.g., low (under 40 percent), medium (40 to 65 percent) or high (above 65 percent)) shall be provided in the plan. Permittees required to submit monitoring information under *Part VI.* of this permit shall include the description of the location of the outfalls, explanation of why outfalls are expected to discharge substantially identical effluents, and estimate of the size of the drainage area and runoff coefficient with the SWDMR. This representative discharge provision is not applicable to storm water

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discharges from coal piles regulated under the national effluent limitations guidelines.

4. Alternative Certification. Facilities with storm water discharges containing coal pile runoff may not submit alternative certification in lieu of the required monitoring data.
5. When to Submit. Permittees with discharges containing coal pile runoff shall submit monitoring results annually no later than the 28th day of January.

VI. STANDARD PERMIT CONDITIONS

A. Duty to Comply.

1. Permittee's 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.

2. Penalties for Violations of Permit Conditions.

a. Negligent Violations. The *Act* provides that any person who negligently violates permit conditions implementing the *Act*, this permit, or the Utah wastewater rules is subject to a fine of \$10,000 per day.

b. Willful or Gross Negligence. The *Act* provides that any person who willfully or with gross negligence violates *UCA 19-5-107(1)* (discharges a pollutant to waters of the State) or a condition or limitation of this permit is subject to a fine of \$25,000 per day or \$50,000 per day for any person twice convicted.

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* 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 by 6 months, or by both.

B. Continuation of the Expired General Permit. This permit, expires on December 31, 2002. However, an expired general permit may continue in force and effect after the expiration date until a new permit is issued if a timely reapplication is made for the new permit (*UAC R317-8-3.1(1)(d)*). If this permit is not renewed by the *Division of Water Quality*, for some reason, the *Executive Secretary* will notify the permittee and provide instructions concerning how to stay in compliance with the the *Utah Water Quality Act* and the *Utah Wastewater Rules (UAC R317-8)* with the discharge(s) that is(are) covered by this permit.

C. 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.

D. 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.

E. Duty to Provide Information. The permittee shall furnish to the *Executive Secretary* or an

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authorized representative any information which is requested to determine compliance with this permit or other information. The permittee shall also furnish copies of records required to be kept by this permit to the *Executive Secretary* upon request.

- F. 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 *Executive Secretary*, he or she shall promptly submit such facts or information.
- G. Signatory Requirements. All *Notices of Intent*, storm water pollution prevention plans, reports, certifications or information either submitted to the *Executive Secretary* or the operator of a large or medium municipal separate storm sewer system, or that this permit requires be maintained by the permittee, shall be signed as follows:
1. All Notices of Intent shall be signed as follows:
    - a. 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;
    - b. For a partnership or sole proprietorship: by a general partner or the proprietor, respectively; or
    - c. 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).
  2. All reports required by the permit and other information requested by the *Executive Secretary* 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:
    - a. The authorization is made in writing by a person described above and submitted to

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the *Executive Secretary*.

- b. The authorization specifies either an individual or a position having responsibility for overall operation of the regulated facility or activity, such as the position of manager, operator, superintendent, or position of equivalent responsibility or an individual or position having overall responsibility for environmental matters for the company. (A duly authorized representative may thus be either a named individual or any individual occupying a named position).
- c. Changes to authorization. If an authorization under *Part VI.G.2.* is no longer accurate because a different operator has responsibility for the overall operation of the construction site, a new notice of intent satisfying the requirements of *Part I.C. & D.* must be submitted to the *Executive Secretary* prior to or together with any reports, information, or applications to be signed by an authorized representative.
- d. Certification. Any person signing documents under *Part VI.G.* 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."*

- H. Penalties for Falsification of Reports. The "*Act*" provides that any person who knowingly makes any false material statement, representation, or certification in any record or other document submitted or required to be maintained under this permit, including reports of compliance or noncompliance 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, or by both.
- I. Penalties for Falsification of Monitoring Systems. 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 fines and imprisonment described in *19-5-111* of the "*Act*".
- J. 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*".
- K. 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



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personal rights, nor any infringement of Federal, State, or local laws or regulations.

- L. 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.
- M. Requiring an Individual Permit or an Alternative General Permit.
1. Executive Secretary Designation. The *Executive Secretary* may require any person authorized by this permit to apply for and/or obtain either an individual *UPDES* permit or an alternative *UPDES* general permit. Any interested person may petition the *Executive Secretary* to take action under this paragraph. The *Executive Secretary* may require any owner or operator authorized to discharge under this permit to apply for an individual *UPDES* permit only if the owner or operator 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, a statement setting a deadline for the owner or operator to file the application, and a statement that on the effective date of issuance or denial of the individual *UPDES* permit or the alternative general permit as it applies to the individual permittee, coverage under this general permit shall automatically terminate. Individual permit applications shall be submitted to the address of the *DWQ* shown in *Part V.B.* (Reporting: Where to Submit) of this permit. The *Executive Secretary* may grant additional time to submit the application upon request of the applicant. If an owner or operator fails to submit, in a timely manner, an individual *UPDES* permit application as required by the *Executive Secretary*, then the applicability of this permit to the individual *UPDES* permittee is automatically terminated at the end of the day specified for application submittal.
  2. Individual Permit Application. Any owner or operator authorized by this permit may request to be excluded from the coverage of this permit by applying for an individual permit. The owner or operator shall submit an individual application (EPA, Form 1 and Form 2F) with reasons supporting the request to the *Executive Secretary*. Individual permit applications shall be submitted to the address of the *DWQ* shown in *Part V.B.* of this permit. The request may be granted by the issuance of any individual permit or an alternative general permit if the reasons cited by the owner or operator are adequate to support the request.
  3. Individual/Alternative General Permit Issuance. When an individual *UPDES* permit is issued to an owner or operator otherwise subject to this permit, or the owner or operator is authorized for coverage under an alternative *UPDES* general permit, the applicability of this permit to the individual *UPDES* permittee is automatically terminated on the effective date of the individual permit or the date of authorization of coverage under the alternative general permit, whichever the case may be. When an individual *UPDES* permit is denied to an owner or operator otherwise subject to this permit, or the owner or operator is denied

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for coverage under an alternative *UPDES* general permit, the applicability of this permit to the individual *UPDES* permittee is automatically terminated on the date of such denial, unless otherwise specified by the *Executive Secretary*.

N. State/Environmental 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 *UCA 19-5-117*.
2. No condition of this permit shall release the permittee from any responsibility or requirements under other environmental statutes or regulations.

O. 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) that are installed or used by the permittee to achieve compliance with the conditions of this permit and with the requirements of storm water pollution prevention plans. 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.

P. Monitoring and Records.

1. Representative Samples/Measurements. Samples and measurements taken for the purpose of monitoring shall be representative of the monitored activity.
2. Retention of Records.
  - a. The permittee shall retain records of all monitoring information, copies of all reports required by this permit, and records of all data used to complete the application of this permit for a period of at least three (3) years from the date of sample, measurement, evaluation or inspection, report, or application. This period may be extended by request of the *Executive Secretary* at any time. Permittees must submit any such records to the *Executive Secretary* upon request.
  - b. The permittee shall retain the pollution prevention plan developed in accordance with *Part III.* and *Appendix II.* of this permit until a date 3 years after the last modification or amendment is made to the plan, and at least 1 year after coverage under this permit terminates.
3. Records Contents. Records of monitoring information shall include:
  - a. The date, exact place, and time of sampling or measurements;

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- b. The initials or name(s) of the individual(s) who performed the sampling or measurements;
  - c. The date(s) analyses were performed;
  - d. The time(s) analyses were initiated;
  - e. The initials or name(s) of the individual(s) who performed the analyses;
  - f. References and written procedures, when available, for the analytical techniques or methods used; and
  - g. The results of such analyses, including the bench sheets, instrument readouts, computer disks or tapes, etc., used to determine these results.
4. Approved Monitoring Methods. Monitoring must be conducted according to test procedures approved under 40 CFR Part 136, unless other test procedures have been specified in this permit.
- Q. Inspection and Entry. The permittee shall allow the *Executive Secretary* or an authorized representative, the EPA, or in the case of a facility that discharges through a municipal separate storm sewer, an authorized representative of the municipal operator or the separate storm sewer receiving the discharge, upon the presentation of credentials and other documents as may be required by law, 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; have access to and copy at reasonable times, any records that must be kept under the conditions of this permit; and inspect at reasonable times any facilities or equipment (including monitoring and control equipment).
- R. 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.
- S. Bypass of Treatment Facility.
- 1. Notice.
    - a. Anticipated Bypass. If a permittee subject to the numeric effluent limitations of *Parts IV. and Appendix II.* of this permit knows in advance of the need for a bypass, he or she shall submit prior notice, if possible, at least 10 days before the date of the bypass; including an evaluation of the anticipated quality and effect of the bypass.

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b. Unanticipated Bypass. The permittee subject to the numeric effluent limitations of *Parts IV. and Appendix II.* of this permit shall submit notice of an unanticipated bypass. Any information regarding the unanticipated bypass shall be provided orally within 24 hours from the time the permittee became aware of the circumstances. A written submission shall also be provided within 5 days of the time the permittee became aware of the circumstances. The written submission shall contain a description of the bypass and its cause; the period of the bypass; including exact dates and times, and if the bypass has not been corrected, the anticipated time it is expected to continue; and steps taken or planned to reduce, eliminate, and prevent reoccurrence of the bypass.

2. Prohibition of Bypass.

a. Bypass is prohibited and the *Executive Secretary* may take enforcement action against a permittee for a bypass. Unless:

(1) The bypass was unavoidable to prevent loss of life, personal injury, or severe property damage;

(2) There were no feasible alternatives to the bypass, such as the use of auxiliary facilities, retention of untreated wastes, or maintenance during normal periods of equipment downtime. This condition is not satisfied if the permittee should, in the exercise of reasonable engineering judgement, have installed adequate backup equipment to prevent a bypass that occurred during normal periods of equipment downtime or preventive maintenance; and

(3) The permittee submitted notices of the bypass.

b. The *Executive Secretary* may approve an anticipated bypass after considering its adverse effects, if the *Executive Secretary* determines that it will meet the three conditions listed in *Part VI.S.2.a.*

T. Upset Conditions.

1. Affirmative Defense. An upset constitutes an affirmative defense to an action brought for noncompliance with technology-based numeric effluent limitations in *Parts IV. and Appendix II.* of this permit if the requirements of paragraph 2 below are met. The *Executive Secretary's* administrative determination regarding a claim of upset cannot be judiciously challenged by the permittee until such time as an action is initiated for noncompliance.

2. Required Defense. A permittee who wishes to establish the affirmative defense of an upset shall demonstrate, through properly signed, contemporaneous operating logs, or other relevant evidence, that:

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- a. An upset occurred and that the permittee can identify the specific cause(s) of the upset:
  - b. The permitted facility was at the time being properly operated; and
  - c. The permittee provided oral notice of the upset to the *Executive Secretary* within 24 hours from the time the permittee became aware of the circumstances. A written submission shall also be provided within 5 days of the time the permittee became aware of the circumstances. The written submission shall contain a description of the upset and its cause; the period of the upset; including exact dates and times, and if the upset has not been corrected, the anticipated time it is expected to continue; and steps taken or planned to reduce, eliminate, and prevent reoccurrence of the upset.
3. Burden of Proof. In any enforcement proceeding the permittee seeking to establish the occurrence of an upset has the burden of proof.

VII. REOPENER CLAUSE

- A. Potential or Realized Impacts on Water Quality. If there is evidence indicating potential or realized impacts on water quality or on a listed endangered species due to any storm water discharge associated with industrial activity covered by this permit, the owner or operator of such discharge may be required to obtain an individual permit or an alternative general permit in accordance with *Part VI.M.* (Requiring an Individual Permit or an Alternative General Permit) of this permit or the permit may be modified to include different limitations and/or requirements.
  
- B. Applicable Regulations. Permit modification or revocation will be conducted according to *UAC R317-8-5.6* and *UAC R317-8-6.2.*

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VIII. DEFINITIONS

A. Definitions Pertaining to this Permit.

1. “Act” means the “*Utah Water Quality Act*”.
2. “*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.
3. “Bypass” means the intentional diversion of waste streams from any portion of a treatment facility.
4. “Coal pile runoff” means the rainfall runoff from or through any coal storage pile.
5. “Co-located industrial activity” means when a facility has industrial activities being conducted onsite that are described under more than one of the coverage sections of *Appendix II* in this permit (Discharges Covered Under This Permit). Facilities with co-located industrial activities shall comply with all applicable monitoring and pollution prevention plan requirements of each section in which a co-located industrial activity is described.
6. “CWA” means “*Clean Water Act*” (formerly referred to as the Federal Water Pollution Control Act or Federal Water Pollution Control Act Amendments of 1972).
7. “Commercial Treatment and Disposal Facilities” means facilities that receive, on a commercial basis, any produced hazardous waste (not their own) and treat or dispose of those wastes as a service to the generators. Such facilities treating and/or disposing exclusively residential hazardous wastes are not included in this definition.
8. “*DWQ*” means the “*Division of Water Quality*”, the State agency authorized by the EPA to administer the *National Pollutant Discharge Elimination System (NPDES)* permitting program, described in the *CWA Section 402*, within the State of Utah (except for Indian lands). Since jurisdiction is limited to the State of Utah the program administered by the *DWQ* is called the *Utah Pollutant Discharge Elimination System (UPDES)*.
9. “*Executive Secretary*” means the *Executive Secretary* of the *Water Quality Board*.
10. “Flow-weighted composite sample” means a composite sample consisting of a mixture of aliquots collected at a constant time interval, where the volume of each aliquot is proportional to the flow rate of the discharge.

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11. “Landfill” means an area of land or an excavation in which wastes are placed for permanent disposal, and that is not a land application unit, surface impoundment, injection well, or waste pile.
12. “Land application unit” means an area where wastes are applied onto or incorporated into the soil surface (excluding manure spreading operations) for treatment or disposal.
13. “Municipal separate storm sewer system” (large and/or medium) means all municipal separate storm sewers that are either:
  - a. located in an incorporated place (city) with a population of 100,000 or more as determined by the latest Decennial Census by the Bureau of Census (at the issuance date of this permit, Salt Lake City is the only city in Utah that falls in this category); or
  - b. located in the counties with unincorporated urbanized populations of 100,000 or more, except municipal separate storm sewers that are located in the incorporated places, townships or towns within such counties (at the issuance date of this permit Salt Lake County is the only county that falls in this category); or
  - c. owned or operated by a municipality other than those described in paragraph *a.* or *b.* (above) and that are designated by the *Executive Secretary* as part of the large or medium municipal separate storm sewer system.
14. “*NOI*” means “*notice of intent*”, it is an application form that is used to obtain coverage under this permit (see *Appendix I*).
15. “*NOT*” means “*notice of termination*”, it is a form used to terminate coverage under this permit (see *Appendix I* of this permit.).
16. “Point source” means 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.
17. “Section 313 water priority chemical” means a chemical or chemical categories that:
  - a. are listed at *40 CFR 372.65* pursuant to *Section 313* of the *Emergency Planning and Community Right-to-Know Act (EPCRA)* (also known as *Title III of the Superfund Amendments and Reauthorization Act (SARA)* of 1986);
  - b. are present at or above threshold levels at a facility subject to *EPCRA Section 313* reporting requirements; and



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- c. meet at least one of the following criteria:
- (1) are listed in *Appendix D* of *40 CFR Part 122* on either Table II (organic priority pollutants), Table III (certain metals, cyanides, and phenols) or Table V (certain toxic pollutants and hazardous substances);
  - (2) are listed as a hazardous substance pursuant to *Section 311(b)(2)(A)* of the *CWA* at *40 CFR 116.4*; or
  - (3) are pollutants for which EPA has published acute or chronic water quality criteria. See *Appendix III* of this permit. This appendix was revised based on final rulemaking EPA published in the *Federal Register* November 30, 1994.
18. “Significant materials” includes, but is not limited to: raw materials; fuels; materials such as solvents, detergents, and plastic pellets; finished materials such as metallic products; raw materials used in food processing or production; hazardous substances designated under *Section 101(14)* of *CERCLA*; any chemical the facility is required to report pursuant to *EPCRA Section 313*; fertilizers; pesticides; and waste products such as ashes, slag and sludge that have the potential to be released with storm water discharges.
19. “Significant spills” includes, but is not limited to: releases of oil or hazardous substances in excess of reportable quantities under *Section 311 of the Clean Water Act* (see *40 CFR 110.10* and *CFR 117.21*) or *Section 102* of *CERCLA* (see *40 CFR 302.4*).
20. “Storm water” means storm water runoff, snow melt runoff, and surface runoff and drainage.
21. “SWDMR” means “*storm water discharge monitoring report*”, a report of the results of storm water monitoring required by the permit. A storm water discharge monitoring report form is provided by the Division of Water Quality.
22. “Storm water associated with industrial activity” (*UAC R317-8-3.8(6)(c) & (d)*) means the discharge from any conveyance that is used for collecting and conveying storm water and that is directly related to manufacturing, processing or raw materials storage areas at an industrial plant. The term does not include discharges from facilities or activities excluded from the *UPDES* program. For the categories of industries identified in paragraphs (a) through (j) of this definition, the term includes, but is not limited to, storm water discharges from industrial plant yards; immediate access roads and rail lines used or traveled by carriers of raw materials, manufactured products, waste material, or by-products used or created by the facility; material handling sites; refuse sites; sites used for the application or disposal of process waste waters (as defined in *40 CFR Part 401*); sites used for the storage and maintenance of material handling equipment; sites used for residual treatment, storage,

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or disposal; shipping and receiving areas; manufacturing buildings; storage areas (including tank farms) for raw materials, and intermediate and finished products; and areas where industrial activity has taken place in the past and significant materials remain and are exposed to storm water. For the categories of industries identified in paragraph (k) of this definition, the term includes only storm water discharges from all areas (except access roads and rail lines) listed in the previous sentence where material handling equipment or activities, raw materials, intermediate products, final products, waste materials, by-products, or industrial machinery are exposed to storm water. For the purposes of this paragraph, material handling activities include the storage, loading and unloading, transportation, or conveyance of any raw material, intermediate product, finished product, by-product or waste product. The term excludes areas located on plant lands separate from the plant's industrial activities, such as office buildings and accompanying parking lots as long as the drainage from the excluded areas is not mixed with storm water drained from the above described areas. Industrial facilities (including industrial facilities that are Federally, State, or municipally owned or operated that meet the description of the facilities listed in paragraphs (a) to (k) of this definition) include those facilities designated under *UAC R317-8-3.8(1)(a)5*. The following categories of facilities are considered to be engaging in "industrial activity" for purposes of this subsection:

- a. Facilities subject to storm water effluent limitations guidelines, new source performance standards, or toxic pollutant effluent standards under *40 CFR Subchapter N* (except facilities with toxic pollutant effluent standards that are exempted under category (k) of this definition);
- b. Facilities classified as Standard Industrial Classifications 24 (except 2434), 26 (except 265 and 267), 28 (except 283 and 285), 29, 311, 32 (except 323), 33, 3441, 373;
- c. Facilities classified as Standard Industrial Classifications 10 through 14 (mineral industry) including active or inactive mining operations (except for areas of coal mining operations no longer meeting the definition of a reclamation area under *40 CFR 434.11(1)* because the performance bond issued to the facility by the appropriate SMCRA authority has been released, or except for areas of noncoal mining operations that have been released from applicable State or Federal reclamation requirements after December 17, 1990) and oil and gas exploration, production, processing, or treatment operations, or transmission facilities that discharge storm water contaminated by contact with or that has come into contact with, any overburden, raw material, intermediate products, finished products, byproducts or waste products located on the site of such operations; inactive mining operations are mining sites that are not being actively mined, but that have an identifiable owner/operator;
- d. Hazardous waste treatment, storage, or disposal facilities, including those that are operating under interim status or a permit under Subtitle C of RCRA;

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- e. Landfills, land application sites, and open dumps that have received any industrial wastes (waste that is received from any of the facilities described under this subsection) including those that are subject to regulation under *Subtitle D of RCRA*;
  - f. Facilities involved in the recycling of materials, including metal scrapyards, battery reclaimers, salvage yards, and automobile junkyards, including but limited to those classified as Standard Industrial Classification 5015 and 5093;
  - g. Steam electric power generating facilities, including coal handling sites;
  - h. Transportation facilities classified as Standard Industrial Classifications 40, 41, 42 (except 4221-25), 43, 44, 45 and 5171 that have vehicle maintenance shops, equipment cleaning operations, or airport deicing operations. Only those portions of the facility that are either involved in vehicle maintenance (including vehicle rehabilitation, mechanical repairs, painting, fueling, and lubrication), equipment cleaning operations, airport deicing operations, or that are otherwise identified under paragraphs (a) to (g) or (I) to (k) of this subsection are associated with industrial activity;
  - i. Treatment works treating domestic sewage or any other sewage sludge or wastewater treatment device or system, used in the storage treatment, recycling, and reclamation of municipal or domestic sewage, including land dedicated to the disposal of sewage sludge that are located within the confines of the facility, with a design flow of 1.0 mgd or more, or required to have an approved pretreatment program under *40 CFR Part 403*. Not included are farm lands, domestic gardens or lands used for sludge management where sludge is beneficially reused and that are not physically located in the confines of the facility, or areas that are in compliance with *40 CFR Part 503*;
  - j. Construction activity including clearing, grading and excavation activities except: operations that result in the disturbance of less than 5 acres of total land area that are not part of a larger common plan of development or sale;
  - k. Facilities under Standard Industrial Classifications 20, 21, 22, 23, 2434, 25, 265, 267, 27, 283, 285, 30, 31 (except 311), 323, 34 (except 3441), 35, 36, 37 (except 373), 38, 39, 4221-25, (and that are not otherwise included within categories (a) to (j))<sup>3</sup>.
23. “Time-weighted composite” means a composite sample consisting of a mixture of equal

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<sup>3</sup>On June 4, 1992, the United States Court of Appeals for the Ninth Circuit remanded the exclusion for manufacturing facilities in category (xi) that do not have materials or activities exposed to storm water to the EPA for further rulemaking. (Nos. 90-70671 and 91-70200.)

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volume aliquots collected at a constant time interval.

24. “UAC” means “Utah Administrative Code” the administrative rules for the State of Utah.
25. “Upset” means an exceptional incident in which there is unintentional and temporary noncompliance with the numeric effluent limitations of *Parts IV.* and *Appendix II.* of this permit because of factors beyond the reasonable control of the permittee. 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.
26. “Waste pile” means any noncontainerized accumulation of solid, nonflowing waste that is used for treatment or storage.
27. “Waters of the State” (*UAC R317-1-1.32*) 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”.

**APPENDIX I**

**NOTICE OF INTENT & NOTICE OF TERMINATION**



STATE OF UTAH, DEPARTMENT OF ENVIRONMENTAL QUALITY, DIVISION OF WATER QUALITY  
288 North 1460 West, P.O. Box 144870, Salt Lake City, Utah 84114-4870 (801)538-6146

**NOI**

Notice of Intent (NOI) for Coverage Under the UPDES General Multi-Sector Storm Water Permit for Discharges Associated with Industrial Activity, Permit No. UTR000000. INSTRUCTIONS ON BACK PAGE

Submission of this Notice of Intent constitutes notice that the party identified in Section I of this form intends to be authorized by a UPDES permit issued for storm water discharges associated with industrial activity in the State of Utah. Becoming a permittee obligates such discharger to comply with the terms and conditions of the permit. ALL NECESSARY INFORMATION MUST BE PROVIDED ON THIS FORM. A different NOI form is provided for construction activities.

**I. FACILITY OPERATOR INFORMATION**

Name: \_\_\_\_\_ Phone: \_\_\_\_\_

Address: \_\_\_\_\_ Status of Owner/Operator:

City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_

Facility Contact Person: \_\_\_\_\_ Phone: \_\_\_\_\_

Facility Contact Person Title: \_\_\_\_\_

**II. FACILITY SITE/LOCATION INFORMATION**

Is the facility located on Indian Lands? (Y or N)

Name: \_\_\_\_\_

Address: \_\_\_\_\_ County: \_\_\_\_\_

City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_

Latitude: \_\_\_\_\_ Longitude: \_\_\_\_\_ Quarter: \_\_\_\_\_ Section: \_\_\_\_\_ Township: \_\_\_\_\_ Range: \_\_\_\_\_

Site Contact Person: \_\_\_\_\_ Phone: \_\_\_\_\_

Site Contact Person Title: \_\_\_\_\_

**III. SITE ACTIVITY INFORMATION**

Name of Municipality which Operates the Storm Sewer System: \_\_\_\_\_

Receiving Water Body(s): \_\_\_\_\_

Is there existing quantitative storm water discharge data? Yes  No

Is the facility required to do analytical monitoring? (See permit conditions Part V. and Sector monitoring requirements.) Yes  No

Is the facility required to do visual monitoring? (See permit conditions near the end of applicable Sector(s); Appendix A to AD) Yes  No

Is the facility required to submit monitoring data or retain it on site? Yes  No

Is This a New Facility, or is it an Existing Facility? New  Existing

If This is an Existing Facility, and the Start-up Date was After Oct. 1992, Please Fill in the Start-up Month:

Month (Jan, Feb., etc.): \_\_\_\_\_ Year: \_\_\_\_\_

SIC or Designated Activity Code: Primary: \_\_\_\_\_ 2nd: \_\_\_\_\_ 3rd: \_\_\_\_\_ 4th: \_\_\_\_\_

If You Have Other Existing UPDES Permits, Enter Permit #'s: \_\_\_\_\_

**IV. SECTOR IDENTIFICATION:** The General Multi-Sector Permit covers all industrial activity that is required by law to be covered by a storm water permit. On the following pages the sectors are listed with a description of the industrial activity that is covered by that sector. Please check each sector that covers industrial activities which occur at your site. The sector covered in Appendix AD is the catch-all sector and should only be used if positively no other sector covers your industrial activity. If you should select AD, please call the Storm Water Coordinator at DWQ to discuss the need for choosing Sector AD (Non-Classified Facilities).

A. Timber Products Facilities -- establishments [generally classified under Standard Industrial Classification (SIC) Major Group 24] that are engaged in cutting timber and pulpwood, merchant sawmills, lath mills, shingle mills, cooperage stock mills, planing mills, and plywood and veneer mills engaged in producing lumber and wood basic materials; and establishments engaged in wood preserving or in manufacturing finished articles made entirely of wood or related materials, except for wood kitchen cabinet manufacturers (SIC Code 2434), which are addressed under sector W.

B. Paper and Allied Products Manufacturing Facilities -- facilities engaged in the manufacture of pulps from wood and other cellulose fibers and from rags; the manufacture of paper and paperboard into converted products, such as paper coated off the paper machine, paper bags, paper boxes and envelopes; and establishments primarily engaged in manufacturing bags of plastic film and sheet. These facilities are commonly identified by Standard Industrial Classification (SIC) Major Group 26.

C. Chemical and Allied Products Manufacturing Facilities -- 1) Basic industrial inorganic chemicals (including SIC 281), 2) Plastic materials and synthetic resins, synthetic rubbers, and cellulosic and other humanmade fibers, except glass (including SIC 282), 3) Soap and other detergents and in producing glycerin from vegetable and animal fats and oils; specialty cleaning, polishing, and sanitation preparations; surface active preparations used as emulsifiers, wetting agents, and finishing agents, including sulfonated oils; and perfumes, cosmetics, and other toilet preparations (including SIC 284), 4) Paints (in paste and ready-mixed form); varnishes; lacquers; enamels and shellac; putties, wood fillers, and sealers; paint and varnish removers; paint brush cleaners; and allied paint products (including SIC 285), 5) Industrial organic chemicals (including SIC 286), 6) Nitrogenous and phosphatic basic fertilizers, mixed fertilizer, pesticides, and other agricultural chemicals (including SIC 287), 7) Industrial and household adhesives, glues, caulking compounds, sealants, and linoleum, tile, and rubber cements from vegetable, animal, or synthetic plastics materials; explosives; printing ink, including gravure ink, screen process ink, and lithographic; miscellaneous chemical preparations, such as fatty acids, essential oils, gelatin (except vegetable), sizes, bluing, laundry sours, writing and stamp pad ink, industrial compounds, such as boiler and heat insulating compounds, metal, oil, and water treatment compounds, waterproofing compounds, and chemical supplies for foundries (including facilities with SIC 289), 8) Ink and paints, including china painting enamels, india ink, drawing ink, platinum paints for burnt wood or leather work, paints for china painting, artists' paints and artists' water colors (SIC 3952, limited to those listed; for others see sector Y.), 9) Medicinal chemicals and pharmaceutical products, including the grading grinding and milling of botanicals (including SIC 283).

D. Asphalt Paving, Roofing Materials, and Lubricant Manufacturing Facilities -- 1) facilities engaged in manufacturing asphalt paving and roofing materials, including those facilities commonly identified by Standard Industrial Classification (SIC) codes 2951 and 2952, 2) portable asphalt plant facilities (also commonly identified by SIC code 2951), 3) facilities engaged in manufacturing lubricating oils and greases, including those facilities classified as SIC code 2992. Not covered are: 1) petroleum refining facilities, including those that manufacture asphalt or asphalt products and that are classified as SIC code 2911 (see sector L), 2) oil recycling facilities (see sector N.), and 3) fats and oils rendering (see sector U).

E. Glass, Clay, Cement, Concrete, and Gypsum Product Manufacturing Facilities -- manufacturing flat, pressed, or blown glass or glass containers; manufacturing hydraulic cement; manufacturing clay products including tile and brick; manufacturing of pottery and porcelain electrical supplies; manufacturing concrete products; manufacturing gypsum products; nonclay refractories; and grinding or otherwise treating minerals and earths. This section generally includes the following types of manufacturing operations: flat glass, (SIC code 3211); glass containers, (SIC code 3221); pressed and blown glass, not elsewhere classified, (SIC code 3229); glass products made of purchased glass (SIC code 3231) where material handling equipment or activities, raw materials, intermediate products, final products, waste materials, by-products, or industrial machinery are exposed to storm water; hydraulic cement, (SIC code 3241); brick and structural clay tile, (SIC code 3251); ceramic wall and floor tile, (SIC code 3253); clay refractories, (SIC code 3255); structural clay products not elsewhere classified (SIC code 3259); vitreous china plumbing fixtures, and china and earthen ware fittings and bathroom accessories (SIC code 3261); vitreous china table and kitchen articles (SIC code 3262); fine earthenware table and kitchen articles (SIC code 3263); porcelain electrical supplies, (SIC code 3264); pottery products, (SIC code 3269); concrete block and brick, (SIC code 3271); concrete products, except block and brick (SIC code 3272); ready-mix concrete, (SIC code 3273); lime (SIC code 3274); gypsum products, (SIC code 3275); cut stone and stone products (SIC code 3281); abrasive products (SIC code 3291); asbestos products (SIC code 3292); minerals and earths, ground or otherwise treated, (SIC code 3295); mineral wool (SIC code 3296); nonclay refractories, (SIC code 3297); and nonmetallic mineral products not elsewhere classified (SIC code 3299).

F. Primary Metals Facilities -- coking operations, sintering plants, blast furnaces, smelting operations, rolling mills, casting operations, heat treating, extruding, drawing, or forging of all types of ferrous and nonferrous metals, scrap, and ore. Coverage includes the following types of facilities: 1) Steel works, blast furnaces, and rolling and finishing mills including: steel wiredrawing and steel nails and spikes; cold-rolled steel sheet, strip, and bars; and steel pipes and tubes (SIC code 331), 2) Iron and steel foundries, including: gray and ductile iron, malleable iron, steel investment, and steel foundries not elsewhere classified (SIC code 332), 3) Primary smelting and refining of nonferrous metals, including: primary smelting and refining of copper, and primary production of aluminum (SIC code 333), 4) Secondary smelting and refining of nonferrous metals (SIC code 334), 5) Rolling, drawing, and extruding of nonferrous metals, including: rolling, drawing, and extruding of copper; rolling, drawing, and extruding of nonferrous metals, except copper and aluminum; and drawing and insulating of nonferrous wire (SIC code 335), 6) Nonferrous foundries (castings), including: aluminum die-castings, nonferrous die-castings, except aluminum, aluminum foundries, copper foundries, and nonferrous foundries, except copper and aluminum (SIC code 336), 7) Miscellaneous primary metal products, not elsewhere classified, including: metal heat treating, and primary metal products, not elsewhere classified (SIC code 339).

G. Metal Mines (Ore Mining and Dressing) -- active and inactive metal mining and ore dressing facilities [Standard Industrial Classification (SIC) Major Group 10] if the storm water has come into contact with, or is contaminated by, any overburden, raw material, intermediate product, finished product, byproduct, or waste product located on the site of the operation. SIC Major Group 10 includes establishments primarily engaged in mining, developing mines, or exploring for metallic minerals (ores) and also includes all ore dressing and beneficiating operations, whether performed at mills operated in conjunction with the mines served or at mills, such as custom mills, operated separately. For the purposes of this part of the permit, the term "metal mining" includes all ore mining and/or dressing and beneficiating operations, whether performed at mills operated in conjunction with the mines served or at mills, such as custom mills, operated separately. All storm water discharges from inactive metal mining facilities and the storm water discharges from the following areas of active, and temporarily inactive, metal mining facilities are the only discharges covered by this section of the permit: topsoil piles; offsite haul/access roads if off active area; onsite haul roads if not constructed of waste rock or if spent ore and mine water is not used for dust control; runoff from tailings dams/dikes when not constructed of waste rock/tailings and no process fluids are present; concentration building, if no contact with material piles; mill site, if no contact with material piles; chemical storage area; docking facility, if no excessive contact with waste product; explosive storage; reclaimed areas released from reclamation bonds prior to December 17, 1990; and partially/inadequately reclaimed areas or areas not released from reclamation bonds. Not covered are: 1) active metal mining facilities that are subject to the effluent limitation guidelines for the Ore Mining and Dressing Point Source Point Source Category (40 CFR Part 440). Coverage under this permit does not include adit drainage or contaminated springs or seeps at active facilities, temporarily inactive facilities, or inactive facilities. Also see permit conditions, Limitations on Coverage, *Part I.B.3*. 2) Storm water discharges associated with an industrial activity that the *Executive Secretary* has determined to be, or may reasonably be expected to be, contributing to a violation of a water quality standard, 3) Storm water discharges associated with industrial activity from inactive mining operations occurring on Federal lands where an operator cannot be identified.

H. Coal Mines and Coal Mine-Related Facilities -- coal mining-related areas (SIC Major Group 12) if they are not subject to effluent limitations guidelines under *40 CFR Part 434*. Not covered are: inactive mining activities occurring on Federal lands where an operator cannot be identified.

I. Oil and Gas Extraction Facilities -- oil and gas facilities listed under Standard Industrial Classification (SIC) Major Group 13 which are required to be permitted under *UAC R317-8-3.8(2)(a)3*. These include oil and gas exploration, production, processing, or treatment operations, or transmission facilities that discharge storm water contaminated by contact with or that has come into contact with any overburden raw material, intermediate products, finished products, by-products or waste products



located on the site of such operations.' Industries in SIC Major Group 13 include the extraction and production of crude oil, natural gas, oil sands and shale; the production of hydrocarbon liquids and natural gas from coal; and associated oil field service, supply and repair industries. This section also covers petroleum refineries listed under SIC code 2911. Contaminated storm water discharges from petroleum refining or drilling operations that are subject to nationally established BAT or BPT guidelines found at 40 CFR 419 and 435 respectively are not included. [Note that areas eligible for coverage at petroleum refineries will be very limited because the term "contaminated runoff," as defined under 40 CFR 419.11, includes "... runoff which comes into contact with any raw material, intermediate product, finished product, by-product or waste product located on petroleum refinery property." Areas at petroleum refineries which may be eligible for permit coverage, provided discharges from these areas are not co-mingled with "contaminated runoff," include: vehicle and equipment storage, maintenance and refueling areas. Most areas at refineries will not be eligible for coverage including: raw material, intermediate product, by-product, waste material, chemical, and material storage areas; loading and unloading areas; transmission pipelines, and, processing areas.] Not covered are: inactive oil and gas operations occurring on Federal lands where an operator cannot be identified are not covered by this permit.

J. Mineral Mining and Processing Facilities -- active and inactive mineral mining and processing facilities (generally identified by Standard Industrial Classification (SIC) Major Group 14). Not covered are: 1) facilities associated with industrial activity which are subject to an existing effluent limitation guideline (40 CFR Part 436), 2) inactive mineral mining activities occurring on Federal lands where an operator cannot be identified are not eligible for coverage under this permit.

K. Hazardous Waste Treatment Storage or Disposal Facilities -- facilities that treat, store, or dispose of hazardous wastes, including those that are operating under interim status or a permit under subtitle C of RCRA. [Disposal facilities that have been properly closed and capped, and have no significant materials exposed to storm water, are considered inactive and do not require permits (UAC R317-8-3.8(6)(c)).]

L. Landfills and Land Application Sites -- waste disposal at landfills, land application sites, and open dumps that receive or have received industrial wastes. Open dumps are solid waste disposal units that are not in compliance with State/Federal criteria established under RCRA Subtitle D. Not covered are: inactive landfills, land application sites, and open dumps occurring on Federal lands where an operator cannot be identified.

M. Automobile Salvage Yards -- facilities engaged in dismantling or wrecking used motor vehicles for parts recycling or resale and for scrap (SIC Code 5015).

N. Scrap Recycling and Waste Recycling Facilities -- facilities that are engaged in the processing, reclaiming and wholesale distribution of scrap and waste materials such as ferrous and nonferrous metals, paper, plastic, cardboard, glass, animal hides (these types of activities are typically identified as SIC code 5093). Facilities that are engaged in reclaiming and recycling liquid wastes such as used oil, antifreeze, mineral spirits, and industrial solvents (also identified as SIC code 5093) are also covered under this section. Separate permit requirements have been established for recycling facilities that only receive source-separated recyclable materials primarily from non-industrial and residential sources (also identified as SIC 5093) (e.g., common consumer products including paper, newspaper, glass, cardboard, plastic containers, aluminum and tin cans). This includes recycling facilities commonly referred to as material recovery facilities (MRF).

O. Steam Electric Power Generating Facilities -- steam electric power generating facilities, including coal handling areas. Non-storm water discharges subject to effluent limitations guidelines are not covered by this permit. Storm water discharges from coal pile runoff subject to numeric limitations are eligible for coverage under this permit, but are subject to the limitations established by 40 CFR 423. Not covered are: ancillary facilities such as fleet centers, gas turbine stations, and substations that are not contiguous to a steam electric power generating facility are not covered by this permit. Heat capture co-generation facilities are not covered by this permit; however, dual fuel co-generation facilities are included.

P. Vehicle Maintenance or Equipment Cleaning areas at Motor Freight Transportation Facilities, Passenger Transportation Facilities, Petroleum Bulk Oil Stations and Terminals, the United States Postal Service, or Railroad Transportation Facilities -- ground transportation facilities and rail transportation facilities (generally identified by Standard Industrial Classification (SIC) codes 40, 41, 42, 43, and 5171), that have vehicle and equipment maintenance shops (vehicle and equipment rehabilitation, mechanical repairs, painting, fueling and lubrication) and/or equipment cleaning operations are eligible for coverage under this section. Also covered under this section are facilities found under SIC code 4221-4225 (public warehousing and storage) that do not have vehicle and equipment maintenance shops and/or equipment cleaning operations but have areas (exclusive of access roads and rail lines) where material handling equipment or activities, raw materials, intermediate products, final products, waste materials, by-products or industrial machinery are exposed to storm water.

Q. Vehicle Maintenance Areas and Equipment Cleaning Areas of Water Transportation Facilities -- water transportation facilities that have vehicle (vessel) maintenance shops and/or equipment cleaning operations. The water transportation industry includes facilities engaged in foreign or domestic transport of freight or passengers in deep sea or inland waters; marine cargo handling operations; ferry operations; towing and tugboat services; and marinas (facilities commonly identified by SIC code Major Group 44).

R. Ship or Boat Building and Repair Yards -- facilities engaged in ship building and repairing and boat building and repairing (SIC code 373).

S. Vehicle Maintenance Areas, Equipment Cleaning Areas or Airport Deicing Operations located at Air Transportation Facilities -- establishments and/or facilities including airports, air terminals, air carriers, flying fields, and establishments engaged in servicing or maintaining airports and/or aircraft (generally classified under Standard Industrial Classification (SIC) code 45) which have vehicle maintenance shops, material handling facilities, equipment cleaning operations or airport and/or aircraft deicing/anti-icing operations. For the purpose of this permit, the term "deicing" is defined as the process to remove frost, snow, or ice and "anti-icing" is the process which prevents the accumulation of frost, snow, or ice. Only those portions of the facility or establishment that are either involved in vehicle maintenance (including vehicle rehabilitation, mechanical repairs, painting, fueling, and lubrication), equipment cleaning operations, or deicing/anti-icing operations are addressed under this section.

T. Wastewater Treatment Works -- treatment works treating domestic sewage or any other sewage sludge or wastewater treatment device or system, used in the storage, treatment, recycling, and reclamation of municipal or domestic sewage, including lands dedicated to the disposal of sewage sludge that are located within the confines of the facility with a design flow of 1.0 MGD or more, or required to have an approved pretreatment program under 40 CFR Part 403.

U. Food and Kindred Products Facilities -- food and kindred products processing facilities (commonly identified by Standard Industrial Classification (SIC) code 20), including: meat products; dairy products; canned, frozen and preserved fruits, vegetables, and food specialties; grain mill products; bakery products; sugar and confectionery products; fats and oils; beverages; and miscellaneous food preparations and kindred products and tobacco products manufacturing (SIC Code 21), except for storm water discharges identified under paragraph I.B.3. where industrial plant yards; material handling sites; refuse sites; sites used for application or disposal of process wastewaters; sites used for storage and maintenance of material handling equipment; sites used for residential treatment, storage, or disposal; shipping and receiving areas; manufacturing buildings; and storage areas for raw material and intermediate and finished products are exposed to storm water and areas where industrial activity has taken place in the past and significant materials remain. For the purposes of this paragraph, material handling activities include the storage, loading, and unloading, transportation, or conveyance of any raw material, intermediate product, finished product, by-product, or waste product.

V. Textile Mills, Apparel and other Fabric Product Manufacturing Facilities -- Textile Mill Products, of and regarding facilities and establishments engaged in the preparation of fiber and subsequent manufacturing of yarn, thread, braids, twine, and cordage, the manufacturing of broad woven fabrics, narrow woven fabrics, knit fabrics, and carpets and rugs from yarn; processes involved in the dyeing and finishing of fibers, yarn fabrics, and knit apparel; the integrated manufacturing of knit apparel and other finished articles of yarn; the manufacturing of felt goods (wool), lace goods, nonwoven fabrics; miscellaneous textiles, and other apparel products (generally described by SIC codes 22 and 23). This section also covers facilities engaged in manufacturing finished leather and artificial leather products (SIC 31, except 3111).

W. Furniture and Fixture Manufacturing Facilities -- facilities involved in the manufacturing of: wood kitchen cabinets (generally described by SIC code 2434); household furniture (generally described by SIC code 251); office furniture (generally described by SIC code 252); public buildings and related furniture (generally described by SIC code 253); partitions, shelving, lockers, and office and store fixtures (generally described by SIC code 254); and miscellaneous furniture and fixtures (generally described by SIC code 259).

X. Printing and Publishing Facilities -- newspaper, periodical, and book publishing or publishing and printing (SIC Codes 2711-2731); book printing (SIC Code 2732); miscellaneous publishing (SIC Code 2741); commercial printing, lithographic (SIC Code 2752); commercial printing, gravure (SIC Code 2754); commercial printing, not elsewhere classified (SIC Code 2759); manifold business forms, greeting cards, bankbooks, looseleaf binders and devices, bookbinding and related work, and typesetting (SIC Codes 2761-2791); and, plate making and related services (SIC Code 2796).

Y. Rubber and Miscellaneous Plastic Product Manufacturing Facilities -- rubber and miscellaneous plastic products manufacturing facilities (SIC major group 30) and miscellaneous manufacturing industries, except jewelry, silverware, and plated ware (SIC major group 39, except 391).

Z. Leather Tanning and Finishing Facilities -- leather tanning, currying and finishing (commonly identified by Standard Industrial Classification (SIC) code 3111). Discharges from facilities that make fertilizer solely from leather scraps and leather dust are also covered under this section.

AA. Facilities That Manufacture Metal Products including Jewelry, Silverware and Plated Ware -- fabricated metals industry listed below, except for electrical related industries: fabricated metal products, except machinery and transportation equipment, SIC 34, and jewelry, silverware, and plated ware (SIC Code 391).

AB. Facilities That Manufacture Transportation Equipment, Industrial or Commercial Machinery -- transportation equipment, industrial or commercial machinery manufacturing facilities (commonly described by SIC Major Group 35 except SIC 357, and SIC Major Group 37, except SIC 373). Common activities include: industrial plant yards; material handling sites; refuse sites; sites used for application or disposal of process wastewaters; sites used for storage and maintenance of material handling equipment; sites used for residual treatment, storage, or disposal; shipping and receiving areas; manufacturing buildings; storage areas for raw material and intermediate and finished products; and areas where industrial activity has taken place in the past and significant materials remain and are exposed to storm water.

AC. Facilities That Manufacture Electronic and Electrical Equipment and Components, Photographic and Optical Goods -- facilities that manufacture: electronic and other electrical equipment and components, except computer equipment (SIC major group 36); measuring, analyzing, and controlling instruments; photographic, medical and optical goods; watches and clocks (SIC major group 38) and computer and office equipment (SIC code 357).

AD. Non-Classified Facilities -- facilities that meet the definition of storm water associated with industrial activity (*UAC R317-8-3.8(6)(c) & (d)*), except for construction activities as defined under *UAC R317-8-3.8(6)(d)10.*) but, can not be classified in another industrial sector (i.e., sectors A to AC), and are not excluded from permit coverage elsewhere in this permit; or, the *Executive Secretary* has designated as needing a storm water permit under *UAC R317-8-3.8(1)(a)5*. Should conditions at a facility covered by this section change and industrial activities in another section(s) contained in sectors A to AC apply, the facility shall comply with any and all applicable monitoring and pollution prevention plan requirements of the other section(s) in addition to those contained in this section. The monitoring and pollution prevention plan terms and conditions of this permit are additive for industrial activities being conducted at the same industrial facility (co-located industrial activities). The operator of the facility shall determine which monitoring and pollution prevention plan section(s) of this permit (if any) are applicable to the facility.

**V. 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 gather and evaluate 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.

Print Name: \_\_\_\_\_ Date: \_\_\_\_\_

Signature: \_\_\_\_\_ Amount of Permit Fee Enclosed: \$ \_\_\_\_\_

## WHO MUST FILE A NOTICE OF INTENT (NOI) FORM

State law at UAC R317-8-3.8 prohibits point source discharges of storm water associated with industrial activity to a water body(ies) of the State without a Utah Pollutant Discharge Elimination System (UPDES) permit. The operator of an industrial activity that has such a storm water discharge must submit a NOI to obtain coverage under the UPDES Multi-Sector Storm Water General Permit. If you have questions about whether you need a permit under the UPDES Storm Water program, contact (801) 538-6146.

# INSTRUCTIONS

## NOTICE OF INTENT (NOI) FOR STORM WATER DISCHARGES ASSOCIATED WITH INDUSTRIAL ACTIVITY TO BE COVERED UNDER THE UPDES GENERAL PERMIT

### WHERE TO FILE THE NOI FORM

NOIs, with fee payment(s), must be sent to the following address:

Department of Environmental Quality  
Division of Water Quality  
P.O. Box 144870  
Salt Lake City, UT 84114-4870

### COMPLETING THE NOI FORM

You must type or print, using upper-case letters, in the appropriate areas only. Please place each character between the marks. Abbreviate if necessary to stay within the number of characters allowed for each item. Use one space for breaks between words, but not for punctuation marks unless they are needed to clarify your response. If you have any questions on this form, call (801) 538-6146.

### BEGINNING OF COVERAGE

Storm Water General Permits are drafted to cover a facility quickly avoiding delays, therefore there is no waiting time to receive coverage. The permittee should be aware that though you may not have a permit in hand, if you have submitted a completed NOI with the permit fee you are covered by the permit and will be expected to conform to the conditions in the permit. If you wish you may contact the Division of Water Quality at (801) 538-6146, to receive a generic copy of the permit. After we receive the NOI and the permit fee we will send you an official copy of the permit including your specific permit number.

### PERMIT FEES(MAKE CHECK PAYABLE TO: DIVISION OF WATER QUALITY)

The permit fee is \$500 (or is prorated) and it must be submitted with the NOI to authorize immediate coverage under the permit (except in the case of a state or local political subdivision which are exempt from the permit fee). This provides five years of coverage under the permit (unless prorated). It is our policy to prorate the permit fee for temporary discharges. Fees are prorated at \$8.34 per month of coverage needed. The minimum fee is \$100 for up to 12 months of coverage, additional months are calculated at \$8.34 each.

Permittees that have a new facility that began operating after the date that the Multi-Sector General Permit was issued, will be prorated from the day they began operations until the expiration date of the Permit.

### GENERAL INFORMATION

Facilities within municipalities (such as Salt Lake City or Salt Lake County ) that have been issued Municipal Storm Water Permits by DWQ must contact that city or the county and notify them of the new permit status for the facility. If you have questions that have not been answered above, or need an NOI for construction activities, please contact the Storm Water Coordinator, Division of Water Quality, at (801) 538-6146.

### SECTION I - FACILITY OPERATOR INFORMATION

Give the legal name of the person, firm, public organization, or any other entity that operates the facility or site described in this application. The name of the operator may or may not be the same as the name of the facility. The responsible party is the legal entity that controls the facility's operation, rather than the plant or site manager. Do not use a colloquial name. Enter the complete address and telephone number of the operator. Enter the appropriate letter to indicate the legal status of the operator of the facility.

F = Federal M = Public (other than Fed or State)  
S = State P = Private

A contact person is someone that we may contact, that has knowledge of the facility and permit conditions, but not necessarily the person with signatory responsibility.

### SECTION II - FACILITY/SITE LOCATION INFORMATION

Enter the facility's or site's official or legal name and complete street address, including city, state and ZIP code. If the facility or site lacks a street address, indicate the state, the latitude and longitude of the facility to the nearest 15 seconds, or the quarter, section, township, and range (to the nearest quarter section) of the approximate center of the site.

Indicate whether the facility is located on Indian Lands. If the facility is located on Indian Lands, EPA form 3510-6 should be used and submitted to EPA Region VIII except for facilities on the Navajo Reservation or on the Goshute Reservation which should submit EPA form 3510-6 to Region IX.

### SECTION III - SITE ACTIVITY INFORMATION

If the storm water discharges to a municipal separate sewer system, enter the name of the operator of the municipality (e.g., municipality name, county name) and the receiving water of the discharge from the municipal storm sewer if it is known. (A municipal separate storm sewer system (MS4) is defined as a conveyance or system of conveyances (including roads with drainage systems, municipal streets, catch basins, curbs, gutters, ditches, man-made channels, or storm drains) that is owned or operated by a state, city, town, county, district, association or other public body which is designed or used for collecting or conveying storm water).

If the facility discharges storm water directly to receiving water(s), enter the name of the receiving water.

Indicate whether or not the owner or operator of the facility has existing quantitative data that represent the characteristics and concentration of pollutants in storm water discharges.

To answer the questions concerning analytical or visual monitoring you must examine a copy of the permit, Part V. and the sectors (in the appendix) that your facility will fall into. Upon examination you will be able to determine your monitoring and reporting (whether data must be submitted or retained in a storm water pollution prevention plan file) requirements.

A facility is an existing facility if it has been in operation, it is a new facility if it has not begun operation but is about to

List, in descending order of significance, up to four 4-digit standard industrial classification (SIC) codes that best describe the principal products or services provided at the facility or site identified in Section II of the application.

For industrial activities defined in UAC 317-8-3.8(6)(c) & (d)1 to 11. that do not have SIC codes that accurately describe the principal products produced or services provided, the following 2-character codes are to be used:

HZ = Hazardous waste treatment, storage, or disposal facilities, including those that are operating under interim status or a permit under subtitle C of RCRA [UAC R317-8-3.8(6)(d)4.];  
LF = Landfills, land application sites, and open dumps that receive or have received any industrial wastes, including those that are subject to regulation under subtitle D of RCRA [UAC R317-8-3.8(6)(d)5.];  
SE = Steam electric power generating facilities, including coal handling sites [UAC R317-8-3.8(6)(d)7];  
TW = Treatment works treating domestic sewage or any other sewage sludge or wastewater treatment device or system, used in the storage, treatment, recycling, and reclamation of municipal or domestic sewage [UAC R317-8-3.8(6)(d)9].

If there are other UPDES permits presently issued for the facility or site listed in Section II, list the permit numbers. If an application for the facility has been submitted but no permit number has been assigned, enter the application number.

### SECTION IV - SECTOR IDENTIFICATION

Select and check all the boxes indicating the sectors that describe activities that occur at the site described in section II.

### SECTION V - CERTIFICATION

State statutes provide for severe penalties for submitting false information on this application form. State regulations require this application to be signed as follows:

*For a corporation:* by a responsible corporate officer, which means: (i) 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, or (ii) 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 million (in second quarter 1980 dollars), if authority to sign documents has been assigned or delegated to the manager in accordance with corporate procedures;

*For a partnership or sole proprietorship:* by a general partner or the proprietor; or  
*For a municipality, state, Federal, or other public facility:* by either a principal executive officer or ranking elected official

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

288 North 1460 West, PO Box 144870, Salt Lake City, Utah 84114-4870 (801) 538-6146

**NOT**

Notice of Termination (NOT) for Storm Water Discharges Associated with Industrial Activity Under the UPDES General Multi-Sector Permit. INSTRUCTIONS ON BACK

Submission of this Notice of Termination constitutes notice that the party identified in Section II of this form is no longer authorized to discharge storm water associated with industrial activity under the UPDES program. ALL NECESSARY INFORMATION MUST BE PROVIDED ON THIS FORM.

I. Permit Information

UPDES Storm Water General Permit Number: \_\_\_\_\_

Check Here if You are No Longer the Operator of the Facility:  Check Here if the Storm Water Discharge is Being Terminated:

II. Facility Operator Information

Name: \_\_\_\_\_ Phone: \_\_\_\_\_

Address: \_\_\_\_\_

City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_ - \_\_\_\_\_

III. Facility Site/Location Information

Name: \_\_\_\_\_

Address: \_\_\_\_\_ County: \_\_\_\_\_

City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_ - \_\_\_\_\_

Latitude: \_\_\_\_\_ Longitude: \_\_\_\_\_ Quarter: \_\_\_\_\_ Section: \_\_\_\_\_ Township: \_\_\_\_\_ Range: \_\_\_\_\_

IV. Certification: I certify under penalty of law that all storm water discharges associated with industrial activity from the identified facility that are authorized by a UPDES general permit have been eliminated or that I am no longer the operator of the industrial activity. I understand that by submitting this Notice of Termination, I am no longer authorized to discharge storm water associated with industrial activity under this general permit, and that discharging pollutants in storm water associated with industrial activity to waters of the State is unlawful under the State of Utah Water Quality Act where the discharge is not authorized by a UPDES permit. I also understand that the submittal of this Notice of Termination does not release an operator from liability for any violations of this permit or the Water Quality Act.

Print Name:

Date:

\_\_\_\_\_  
\_\_\_\_\_

Signature:

Instructions for Completing Notice of Termination (NOT) Form

**Who May File A Notice Of Termination (NOT) Form**

Permittees who are presently covered under the State issued Utah Pollutant Discharge Elimination System (UPDES) General Multi-Sector Permit for Storm Water Discharges Associated with Industrial Activity may submit a Notice of Termination (NOT) form when their facilities no longer have any storm water discharges associated with industrial activity as defined in the storm water regulations at UAC R317-8-3.8(b)(c) and (d), or when they are no longer the operator of the facilities.

**Where to File NOT Form**

Send this form to the following address:

Division of Water Quality  
288 North 1460 West  
P.O. Box 144870  
Salt Lake City, Utah 84114-4870

PLEASE SEE THE REVERSE SIDE OF THIS FORM FOR FURTHER INSTRUCTIONS

**Instructions**  
**Notice of Termination (NOT) of Coverage Under the UPDES General Multi-Sector Permit  
for Storm Water Discharges Associated With Industrial Activity**

**Completing the Form**

Type or print, using upper-case letters, in the appropriate areas only. Please place each character between the marks. Abbreviate if necessary to stay within the number of characters allowed for each item. Use only one space for breaks between words, but not for punctuation marks unless they are needed to clarify your response. If you have any questions about this form, call the Division of Water Quality at (801) 538-6146.

**Section I - Permit Information**

Enter the existing UPDES Storm Water General Permit number assigned to the facility or site identified in Section III. If you do not know the permit number, contact the Division of Water Quality at (801) 538-6146.

Indicate your reason for submitting this Notice of Termination by checking the appropriate box:

If there has been a change of operator and you are no longer the operator of the facility or site identified in Section III, Check the corresponding box.

If all storm water discharges at the facility or site identified in Section III have been terminated, check the corresponding box.

**Section II - Facility Operator Information**

Give the legal name of the person, firm, public organization, or any other entity that operates the facility or site described in this application. The name of the operator may or may not be the same name as the facility. The operator of the facility is the legal entity which controls the facility's operation, rather than the plant or site manager. Do not use a colloquial name. Enter the complete address and telephone number of the operator.

**Section III - Facility/Site Location Information**

Enter the facility's or site's official or legal name and complete address, including city, state and ZIP code. If the facility lacks a street address, indicate the state, the latitude and longitude of the facility to the nearest 15 seconds, or the quarter, section, township, and range (to the nearest quarter section) of the approximate center of the site.

**Section IV - Certification**

State statutes provide for severe penalties for submitting false information on this application form. State regulations require this application to be signed as follows:

*For a corporation:* by a responsible corporate officer, which means: (i) 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, or (ii) 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 million (in second-quarter 1980 dollars), if authority to sign documents has been assigned or delegated to the manager in accordance with corporate procedures;

*For a partnership or sole proprietorship:* by a general partner or the proprietor; or

*For a municipality, State, Federal, or other public facility:* by either a principal executive officer or ranking elected official.



**APPENDIX II**

**POLLUTION PREVENTION PLAN REQUIREMENTS  
FOR INDUSTRIAL SECTORS (LISTED A THROUGH AD)**





**APPENDIX III**

**SECTION 313 WATER PRIORITY CHEMICALS**



SECTION 313 WATER PRIORITY CHEMICALS	
CAS Number	Common Name
75-07-0	Acetaldehyde
75865	Acetane cynohydrin
107-02-8	Acrolein
107-13-1	Acrylonitrile
309-00-2	Aldrin[1,4:5,8-Dimethanonaphthalene, 1,2,3,4,10,10-hexachloro-1,4,4a,5,8,8a-hexahydro-(1.alpha.,4.alpha.,4a.beta.,5.alpha.,8.alpha.,8a.beta.)-]
107-05-1	Allyl Chloride
7429-90-5	Aluminum (fume or dust)
7664-41-7	Ammonia
62-53-3	Aniline
120-12-7	Anthracene
7440-36-0	Antimony
7647189	Antimony pentachloride
28300745	Antimony potassium tartrate
7789619	Antimony tribromide
10025919	Antimony trichloride
7783564	Antimony trifluoride
1309644	Antimony trioxide
7440-38-2	Arsenic
1303328	Arsenic disulfide
1303282	Arsenic pentoxide
7784341	Arsenic trichloride
1327533	Arsenic trioxide
1303339	Arsenic trisulfide
1332-21-4	Asbestos (friable)

**Appendix III**

<b>SECTION 313 WATER PRIORITY CHEMICALS</b>	
<b>CAS Number</b>	<b>Common Name</b>
542621	Barium cyanide
71-43-2	Benzene
92-87-5	Benzidine
100470	Benzonitrile
98-88-4	Benzoyl chloride
100-44-7	Benzyl chloride
7440-41-7	Beryllium
7787475	Beryllium chloride
7787497	Beryllium fluoride
7787555	Beryllium nitrate
111-44-4	Bis(2-chloroethyl) ether
75-25-2	Bromoform
74-83-9	Bromomethane (Methyl bromide)
85-68-7	Butyl benzyl phthalate
7440-43-9	Cadmium
543908	Cadmium acetate
7789426	Cadmium bromide
10108642	Cadmium chloride
7778441	Calcium arsenate
52740166	Calcium arsenite
13765190	Calcium chromate
592018	Calcium cyanide
133-06-2	Captan [1H-Isoindole-1,3(2H)-dione,3a,4,7,7a-tetrahydro-2- [(trichloromethyl)thio]-]
63-25-2	Carbaryl [1-Naphthalenol, methylcarbamate]
75-15-0	Carbon disulfide

SECTION 313 WATER PRIORITY CHEMICALS	
CAS Number	Common Name
56-23-5	Carbon tetrachloride
57-74-9	Chlordane [4,7-Methanoindan,1,2,4,5,6,7,8,8-octachloro-2,3,3a,4,7,7a-hexahydro-]
7782-50-5	Chlorine
59-50-7	Chloro-4-methyl-3-phenol <i>p</i> -Chloro- <i>m</i> -cresol
108-90-7	Chlorobenzene
75-00-3	Chloroethane (Ethyl chloride)
67-66-3	Chloroform
74-87-3	Chloromethane (Methyl chloride)
95-57-8	2-Chlorophenol
106-48-9	4-Chlorophenol
1066304	Chromic acetate
11115745	Chromic acid
10101538	Chromic sulfate
7440-47-3	Chromium
1308-14-1	Chromium (Tri)
10049055	Chromous chloride
7789437	Cobaltous bromide
544183	Cobaltous formate
14017415	Cobaltous sulfamate
7440-50-8	Copper
108-39-4	<i>m</i> -Cresol
9548-7	<i>o</i> -Cresol
106-44-5	<i>p</i> -Cresol
1319-77-3	Cresol (mixed isomers)
142712	Cupric acetate

**Appendix III**

<b>SECTION 313 WATER PRIORITY CHEMICALS</b>	
<b>CAS Number</b>	<b>Common Name</b>
12002038	Cupric acetoarsenite
7447394	Cupric chloride
3251238	Cupric nitrate
5893663	Cupric oxalate
7758987	Cupric sulfate
10380297	Cupric sulfate, ammoniated
815827	Cupric tartrate
57-12-5	Cyanide
506774	Cyanogen chloride
110-82-7	Cyclohexane
94-75-7	2,4-D [Acetic acid, (2,4-dichlorophenoxy)-]
106-93-4	1,2-Dibromoethane (Ethylene dibromide)
84-74-2	Dibutyl phthalate
25321-22-6	Dichlorobenzene (mixed isomers)
95-50-1	1,2-Dichlorobenzene
541-73-1	1,3-Dichlorobenzene
106-46-7	1,4-Dichlorobenzene
91-94-1	3,3'-Dichlorobenzidine
75-27-4	Dichlorobromomethane
107-06-2	1,2-Dichloroethane (Ethylene dichloride)
540-59-0	1,2-Dichloroethylene
120-83-2	2,4-Dichlorophenol
78-87-5	1,2-Dichloropropane
542-75-6	1,3-Dichloropropylene
62-73-7	Dichlorvos [Phosphoric acid, 2,2-dichloroethenyl dimethyl ester]

SECTION 313 WATER PRIORITY CHEMICALS	
CAS Number	Common Name
115-32-2	Dicofol [Benzenemethanol, 4-chloro-.alpha.-(4-chlorophenyl)-.alpha.-(trichloromethyl)-]
177-81-7	Di-(2-ethylhexyl phthalate (DEHP))
84-66-2	Diethyl phthalate
105-67-9	2,4-Dimethylphenol
131-11-3	Dimethyl phthalate
534-52-1	4,6-Dinitro- <i>o</i> -cresol
51-28-5	2,4-Dinitrophenol
121-14-2	2,4-Dinitrotoluene
606-20-2	2,6-Dinitrotoluene
117-84-0	<i>n</i> -Dioctyl phthalate
122-66-7	1,2-Diphenylhydrazine (Hydrazobenzene)
106-89-8	Epichlorohydrin
100-41-4	Ethylbenzene
106934	Ethylene dibromide
50-00-0	Formaldehyde
76-44-8	Heptachlor [1,4,5,6,7,8,8-Heptachloro-3a,4,7,7a-tetrahydro-4,7-methano-1H-indene]
118-74-1	Hexachlorobenzene
87-68-3	Hexachloro-1,3-butadiene
77-47-4	Hexachlorocyclopentadiene
67-72-1	Hexachloroethane
7647-01-0	Hydrochloric acid
74-90-8	Hydrogen cyanide
7664-39-3	Hydrogen fluoride
7439-92-1	Lead

**Appendix III**

<b>SECTION 313 WATER PRIORITY CHEMICALS</b>	
	<b>Common Name</b>
301042	Lead acetate
7784409	Lead arsenate
7645252	Lead arsenate
10102484	" "
7758954	Lead chloride
13814965	Lead fluoborate
7783462	Lead fluoride
10101630	Lead iodide
10099748	Lead nitrate
7428480	Lead stearate
1072351	" "
52652592	" "
7446142	Lead sulfate
1314870	Lead sulfide
592870	Lead thiocyanate
58-89-9	Lindane [Cyclohexane, 1,2,3,4,5,6-hexachloro- (1.alpha.,3.beta., 4.alpha.,5.alpha.,6.beta.)-]
14307358	Lithium chromate
108-31-6	Maleic anhydride
592041	Mercuric cyanide
10045940	Mercuric nitrate
7783359	Mercuric sulfate
592858	Mercuric thiocyanate
7782867	Mercurous nitrate
7439-97-6	Mercury
72-43-5	Methoxychlor [Benzene, 1,1'-(2,2,2-trichloroethylidene)bis[4- methoxy-]



SECTION 313 WATER PRIORITY CHEMICALS	
CAS Number	
80-62-6	Methyl methacrylate
91-20-3	Naphthalene
7440-02-0	Nickel
15699180	Nickel ammonium sulfate
37211055	Nickel chloride
7718549	" "
12054487	Nickel hydroxide
14216752	Nickel nitrate
7786814	Nickel sulfate
7697-37-2	Nitric acid
98-95-3	Nitrobenzene
88-75-5	2-Nitrophenol
100-02-7	4-Nitrophenol
62-75-9	<i>N</i> -Nitrosodimethylamine
86-30-6	<i>N</i> -Nitrosodiphenylamine
621-64-7	<i>N</i> -Nitrosodi- <i>n</i> -propylamine
56-38-2	Parathion [Phosphorothioic acid, O,O-diethyl-O-(4-nitrophenyl) ester]
87-86-5	Pentachlorophenol (PCP)
108-95-2	Phenol
75-44-5	Phosgene
7664-38-2	Phosphoric acid
7723-14-0	Phosphorus (yellow or white)
1336-36-3	Polychlorinated biphenyls (PCBs)
7784410	Potassium arsenate
10124502	Potassium arsenite
7778509	Potassium bichromate

**Appendix III**

<b>SECTION 313 WATER PRIORITY CHEMICALS</b>	
<b>CAS Number</b>	<b>Common Name</b>
7789006	Potassium chromate
151508	Potassium cyanide
75-56-9	Propylene oxide
91-22-5	Quinoline
7782-49-2	Selenium
7446084	Selenium oxide
7440-22-4	Silver
7761888	Silver nitrate
7631892	Sodium arsenate
7784465	Sodium arsenite
10588019	Sodium bichromate
7775113	Sodium chromate
143339	Sodium cyanide
10102188	Sodium selenite
7782823	" "
7789062	Strontium chromate
100-42-5	Styrene
7664-93-9	Sulfuric acid
79-34-5	1,1,2,2-Tetrachloroethane
127-18-4	Tetrachloroethylene (Perchloroethylene)
935-95-5	2,3,5,6-Tetrachlorophenol
78002	Tetraethyl lead
7440-28-0	Thallium
10031591	Thallium sulfate
108-88-3	Toluene
8001-35-2	Toxaphene

SECTION 313 WATER PRIORITY CHEMICALS	
	Common Name
52-68-6	Trichlorfon [Phosphonic acid, (2,2,2-trichloro-1-hydroxyethyl)-dimethylester]
120-82-1	1,2,4-Trichlorobenzene
71-55-6	1,1,1-Trichloroethane (Methyl chloroform)
79-00-5	1,1,2-Trichloroethane
79-01-6	Trichloroethylene
95-95-4	2,4,5-Trichlorophenol
88-06-2	2,4,6-Trichlorophenol
7440-62-2	Vanadium (fume or dust)
108-05-4	Vinyl acetate
75-01-4	Vinyl chloride
75-35-4	Vinylidene chloride
108-38-3	<i>m</i> -Xylene
95-47-6	<i>o</i> -Xylene
106-42-3	<i>p</i> -Xylene
1330-20-7	Xylene (mixed isomers)
7440-66-6	Zinc (fume or dust)
557346	Zinc acetate
14639975	Zinc ammonium chloride
14639986	" " "
52628258	" " "
1332076	Zinc borate
7699458	Zinc bromide
3486359	Zinc carbonate
7646857	Zinc chloride
557211	Zinc cyanide
7783495	Zinc fluoride

<b>SECTION 313 WATER PRIORITY CHEMICALS</b>	
<b>CAS Number</b>	
557415	Zinc formate
7779864	Zinc hydrosulfite
7779886	Zinc nitrate
127822	Zinc phenolsulfonate
1314847	Zinc phosphide
16871719	Zinc silicofluoride
7733020	Zinc sulfate

**STATE OF UTAH**

**WEBER COUNTY**

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 the development called, \_\_\_\_\_, Lot(s) \_\_\_\_\_, located within the unincorporated area of Weber County, Utah; and,

**WHEREAS**, the Property Owner is the owner of real property more particularly described on the attached Exhibit A as recorded by deed in the records of the Clerk of Weber (hereinafter referred to as “the Property”), and,

**WHEREAS**, Weber County (hereinafter referred to as “the County”) and the Property Owner, or its administrators, executors, successors, heirs, or assigns, agree that the health, safety and welfare of the citizens of the County require that the facilities be constructed and maintained on the property, and,

**WHEREAS**, the Development Regulations require that facility or facilities as shown on the approved development plans and specifications 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.

**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 County and in accordance with the schedule of long term maintenance activities agreed hereto and attached as Exhibit B.

**SECTION 3.**

The Property Owner, its administrators, executors, successors, heirs or assigns hereby grants permission to the County, its authorized agents and employees, to enter upon the property and to inspect the facilities whenever the County deems necessary. Whenever possible, the County shall provide notice prior to entry. The Property Owner shall execute a twenty five (25) foot public

access easement in favor of Weber County to allow the County to inspect, observe, maintain, and repair the facility as deemed necessary. A fully executed original easement 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 County and in accordance with the maintenance schedule incorporated in this Agreement, the County, 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 County to erect any structure of a permanent nature on the property. It is expressly understood and agreed that the County 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 County.

#### **SECTION 5.**

In the event the County, pursuant to the Agreement, 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, the Property Owner shall reimburse the County, for all the costs incurred by the County hereunder. If not paid within the prescribed time period, the County shall secure a lien/judgment against the real property 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 County 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 affect any additional liability of any party for damage alleged to result from or caused by stormwater runoff.

#### **SECTION 7.**

Sediment accumulation resulting from the normal operation of the facility or facilities will be provided for. The Property Owner will make accommodation for the 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 use the standard SMP Operation and Maintenance Inspection Report attached to this agreement as Exhibit D and by this reference made a part hereof for the purpose of a minimal annual inspection of the facility or facilities by a qualified inspector.

#### **SECTION 9.**

The Property Owner, its administrators, executors, successors, heirs and assigns hereby indemnifies and holds harmless the County and its authorized agents and employees for any and all damages, accidents, casualties, occurrences or claims which might arise or be asserted against the County from the construction, presence, existence or maintenance of the facility or facilities by the Property Owner or the County. In the event a claim is asserted against the County, its authorized agents or employees, the County 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 County, its authorized agents or employees shall be allowed, the Property Owner shall pay for all costs and expenses in connection herewith.

#### **SECTION 10.**

This Agreement shall be recorded among the deed records of the Clerk of Weber County 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 11.**

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 12.**

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\_\_\_\_\_ .

**WEBER COUNTY**

Date: \_\_\_\_\_

By: \_\_\_\_\_ Attest: \_\_\_\_\_  
Chairperson, Deputy County Clerk Chairperson

**PROPERTY OWNER**

Date: \_\_\_\_\_

By: \_\_\_\_\_ Title: \_\_\_\_\_

Attest: \_\_\_\_\_ Title: \_\_\_\_\_

Approved as to form:

By: \_\_\_\_\_ Date: \_\_\_\_\_  
Weber County Attorney

- Attachments: Exhibit A (Plat and Legal Description)
- Exhibit B (Maintenance and Inspection Schedule)
- Exhibit C (Access Easement)
- Exhibit D (Standard SMP Operation and Maintenance Inspection Report)



# Interlocal Agreements

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Included here is one of the interlocal agreements. The following is a list of the interlocal agreements that are on our website. See [http://www.co.weber.ut.us/wiki/index.php/Interlocal\\_Agreements](http://www.co.weber.ut.us/wiki/index.php/Interlocal_Agreements) for the remaining interlocal agreements.

- Contract C2003-40 with Farr West City;
- Contract C2003-41 with Harrisville City;
- Contract C2003-42 with Hooper City;
- Contract C2003-43 with Marriott-Slaterville City;
- Contract C2003-44 with North Ogden City;
- Letter of Understanding, C2003-45 with Ogden City;
- Contract C2003-46 with Plain City;
- Contract C2003-47 with Riverdale City;
- Contract C2003-48 with South Ogden City;
- Contract C2003-49 with Uintah City;
- Contract C2003-50 with Washington Terrace City;
- Contract C2003-51 with Weber State University;
- Contract C2003-52 with Roy City;
- Contract C2003-53 with Pleasant View;
- Contract C2003-54 with West Haven;

WEBER COUNTY  
RESOLUTION NO. 4-2003

A RESOLUTION APPROVING AN INTERLOCAL AGREEMENT BETWEEN  
WEBER COUNTY AND FARR WEST CITY RELATING TO OBLIGATIONS  
REQUIRED FOR A GENERAL PERMIT FOR STORM WATER MANAGEMENT

WHEREAS, the Utah Interlocal Cooperation Act, Title 11, Chapter 3, Utah Code Annotated, 1953 as amended, permits governmental units to enter into agreements with one another for the purpose of exercising on a joint and cooperative basis powers and privileges that will benefit their citizens and make the most efficient use of their resources; and

WHEREAS, Title 11, Chapter 13, Section 5 of the Utah Code Annotated, 1953 as amended, requires that governing bodies of governmental units adopt resolutions approving an interlocal agreement before such agreements may become effective; and

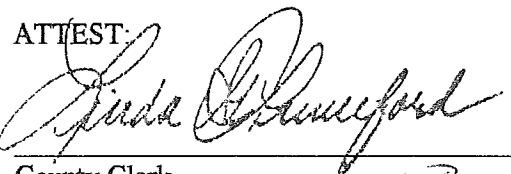
WHEREAS, Weber County and Farr West City have negotiated an Agreement for the purposes of providing storm water services in accordance with the Federal Water Pollution Control Act, as amended by the Clean Water Act of 1987, and the Utah Water Quality Act, together with federal and state regulation adopted pursuant to such Acts for Weber County.

WHEREAS, Weber County and Farr West City find that mutual benefit and cost effective government can be achieved through this interlocal agreement for the services entailed herein;

**NOW, THEREFOR, BE IT RESOLVED** by the Weber County Commission that the attached Interlocal Agreement is entered with Farr West City for the purposes of storm water as authorized in the Interlocal Agreement, and the Interlocal Agreement is hereby approved and incorporated by this reference. The Commission hereby authorizes and directs the Commission Chair to execute the Interlocal Agreement for and on behalf of Weber County.

PASSED AND APPROVED by the Weber County Commission this 4th day of March , 2003.

  
\_\_\_\_\_  
Kenneth A. Bischoff  
Chair, Weber County Commission

ATTEST:  
  
\_\_\_\_\_  
County Clerk

3

02003-40

**INTERLOCAL AGREEMENT RELATING TO OBLIGATIONS  
REQUIRED FOR A GENERAL PERMIT FOR STORM WATER MANAGEMENT**

THIS AGREEMENT made effective this 4<sup>th</sup> day of March, 2003, is entered into by and among Farr West City (hereafter "City"), and Weber County (hereafter "County").

**RECITALS**

WHEREAS, the Utah Interlocal Cooperation Act, Title 11, Chapter 13, Utah Code Annotated 1953, as amended, permits public agencies to enter into agreements with one another for the purpose of exercising, on a joint and cooperative basis, powers and privileges that will benefit their citizens and make the most efficient use of their resources; and,

WHEREAS, all of the parties hereto are public agencies as defined by the Interlocal Cooperation Act;

WHEREAS, the County is a body politic duly organized under the laws of Utah;

WHEREAS, the City is a municipal corporation duly organized under Title 10 of the Utah Code Annotated, as amended;

WHEREAS, in accordance with the Federal Water Pollution Control Act, as amended by the Clean Water Act of 1987, and the Utah Water Quality Act, together with federal and state regulations adopted pursuant to such Acts, the County and the City, as operators of storm water systems, must reduce pollutants in storm water to the Maximum Extent Practicable (hereafter "MEP") to protect water quality;

WHEREAS, Phase II Storm Water Regulations (hereafter "Regulations") specify that compliance with the MEP requirement can be attained by developing, implementing and enforcing a storm water management plan which incorporates Best Management Practices addressing the six minimum control measures;

WHEREAS, also pursuant the Regulations, the County and the City must obtain a Utah Pollution Discharge Elimination System Permit (hereafter "Permit"), and the City can obtain such Permit by co-permitting with the County for the implementation of certain control measures;

WHEREAS, the County and the City desire to work cooperatively to obtain a Permit, to comply with the relevant federal and state storm water regulations, and to provide a cost efficient and effective storm water program;

NOW, THEREFORE, for the reasons cited above, and in consideration of the mutual covenants and agreements contained herein, Farr West City and Weber County do mutually agree and undertake as follows:

**SECTION ONE  
SCOPE OF AGREEMENT**

1. Intent. The parties intend by this Agreement to co-permit with one another to obtain a Utah Pollution Discharge Elimination System Permit meeting compliance requirements of the Federal Water Pollution Control Act, as amended by the Clean Water Act of 1987,

and the Utah Water Quality Act, together with federal and state regulations adopted pursuant to such Acts which require the County and the City to reduce pollutants in storm water to the MEP to protect water quality. Specifically, this Agreement addresses the obligations of the County and the City in relation to compliance with the Regulations which require developing, implementing and enforcing a storm water management plan incorporating Best Management Practices addressing the six minimum control measures as follows:

- a. Public Education and Outreach.
  - b. Public Involvement and Participation.
  - c. Illicit Discharge Detection and Elimination.
  - d. Construction Site Runoff Control.
  - e. Post Construction Storm Water Management.
  - f. Pollution Prevention and Good House Keeping.
2. County Storm Water Management. The County shall provide for Storm Water Management administration in accordance with the relevant rules and regulations and laws imposed upon the County. The County shall appoint a capable individual as the Director of County Storm Water Management (hereafter "Director") to implement and administer the relevant rules and regulations imposed upon the County. The Director shall also administer this Interlocal Agreement according to its provisions and any amendments.
  3. Co-permitting. The County and the City mutually agree to jointly apply to obtain a Utah Pollution Discharge Elimination System Permit, and shall provide one another with the relevant management plan, storm water information, and other necessary documentation for such Permit.
  4. County Service Provided. The County shall be responsible for each control measure as follows, and the City shall cooperate with the County in relation to such measures:
    - a. Public Education and Outreach. The County shall provide materials and coordinate educational activities on a county-wide and regional level, including but not limited to media and public relations, publications and advertisements, and school outreach programs. The County may respond to concerns from city officials and relevant public committee recommendations.
    - b. Public Involvement and Participation. The County may establish a county-wide storm water advisory committee for public participation and for addressing storm water issues.
    - c. Illicit Discharge Detection and Elimination. The County shall provide for this control measure only as it relates to mapping and coordinating of discharges that occur in multiple jurisdictions, or as otherwise crosses jurisdictional boundaries between different cities.
    - d. Construction Site Runoff Control. The County has no responsibility for this control measure, outside unincorporated areas, except for mutual cooperation and coordination with the City at the City's request concerning this control measure.
    - e. Post Construction Storm Water Management. The County has no responsibility for this control measure, outside unincorporated areas, except for mutual cooperation and coordination with the City at the City's request concerning this control measure.

- f. Pollution Prevention and Good House Keeping. The County has no responsibility for this control measure, outside unincorporated areas, except for mutual cooperation and coordination with the City at the City's request concerning this control measure.
5. City Service Provided. The City shall be responsible for each control measure as follows, and the County shall cooperate with the City in relation to such measures:
  - a. Public Education and Outreach. The City shall be responsible for distribution of material provided by the County within the City's jurisdiction as coordinated with the County Storm Water Director. The City may coordinate additional public education and outreach program with the County for special events or other activities at the discretion of the City.
  - b. Public Involvement and Participation. The City may establish a City Storm Water Advisory Committee for public participation and to address storm water issues. One representative from the City, appointed by the Mayor, may serve on the county-wide committee, if such committee exists.
  - c. Illicit Discharge Detection and Elimination. The City shall provide for the enforcement of illicit discharge detection and elimination within the boundaries of the City.
  - d. Construction Site Runoff Control. The City is responsible to implement and administer this control measure within its jurisdiction and may seek mutual cooperation and coordination with the County at the City's request concerning this control measure.
  - e. Post Construction Storm Water Management. The City is responsible to implement and administer this control measure within its jurisdiction and may seek mutual cooperation and coordination with the County at the City's request concerning this control measure.
  - f. Pollution Prevention and Good House Keeping. The City is responsible to implement and administer this control measure within its jurisdiction and may seek mutual cooperation and coordination with the County at the City's request concerning this control measure.
6. Nominal Annual Fee. The County may assess a nominal annual fee, not to exceed \$1,000, upon the City to reimburse the County for copy costs, brochure and publication costs, and community outreach program costs. The City agrees to pay any nominal cost, not to exceed \$1,000, upon receiving a written billing notice for the same from the County.
7. Limitations. The County, except as outlined by this Agreement, does not assume any responsibility to inspect, install, operate or otherwise maintain the City's storm water system, storm water program, or storm water utility. Further, the County shall have no duty regarding storm water management, fees, inspections, or any other types of activity outside the scope of this Agreement, unless such relates to an unincorporated area.
8. Designated Contacts. The City shall designate its contact with the County for any and all issues which may arise under this Agreement. The County designates the Director as its contact with the City for any and all issues which may arise under this Agreement. The County and the City contacts may also consult with each other from time to time on the status of mutual relations and the terms of this Agreement.

SECTION TWO  
GENERAL PROVISIONS

1. Termination. This Agreement may be terminated by either party upon ninety (90) days written notice from the Mayor or County Commission provided either to the County Clerk or the City Recorder, as the case may dictate.
2. Effective Date. This Agreement shall become effective upon compliance with state law governing interlocal cooperation agreements and upon ratification by the parties as provided U.C.A. § Section 11-13-10, as amended.
3. Amendment. This Interlocal Agreement may be changed, modified, or amended by written agreement of the participants, upon adoption of appropriate resolutions from County and the City, along with an approved as to form by the County Attorney and City Attorney, and upon meeting all other applicable requirements of the Interlocal Cooperation Act.
4. Entire Agreement. This Agreement, together with any written amendments, shall constitute the entire agreement between the parties and any prior understanding or representation of any kind preceding the date of this Agreement shall not be binding upon either party except for the resolutions of each party herein attached and incorporated by reference.
5. Indemnification. The County agrees to save and hold harmless the City from its obligation under this Agreement. In all other instances, each of the parties agrees to defend, hold harmless, and indemnify the other party, its elected officials, officers, employees, agents, and volunteers, for the wrongful or negligent acts or omissions of employees against any and all liabilities, claims, damages, actions, suits, proceedings, costs and expenses which arise by reason of this Agreement, however, in no event shall indemnification exceed the amount set forth in *Utah Code Ann.* § 63-30-1 et. seq, at the time of judgment.
6. Employee Status. It is understood and agreed by the parties that any and all personnel furnished by the parties shall remain employees of the respective parties and shall abide by the personnel policies of the respective parties.
7. Warranties. Each party represents and warrants that it is a public agency within the meaning of the Interlocal Cooperation Act, is authorized to execute and deliver this Agreement and there is no litigation, legal action or investigation between the parties that would adversely effect this Agreement.
8. Documents on File. Executed copies of this Agreement shall be placed on file in the office of the County Clerk and the City Recorder and shall remain on file for public inspection for the duration of this Agreement.
9. Governing Law. It is understood and agreed by the parties that this Agreement shall be governed by the laws of the State of Utah as to interpretation and performance.
10. Non-transferable. This rights, duties, powers and obligations of this Agreement may not be transferred, assigned or delegated without the consent of the parties.

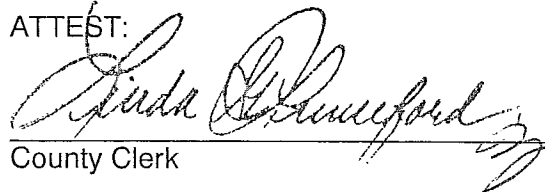
- 11. Rules of Construction and Severability. Standard rules of construction, as well as the context of this agreement, shall be used to determine the meaning of the provisions herein, except as follows: If any of the provisions herein are different from what is normally allowed or required by law, every effort shall be made to construe the clauses to be legally binding and to infer voluntary arrangements which are in addition to what is normally allowed or required by law. If any provision, article, sentence, clause, phrase, or portion of this agreement, including but not limited to any written amendments, is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this agreement. It is thus the intention of the parties that each provision of this agreement shall be deemed independent of all other provisions herein.

DATED this 4 day of March, 2003

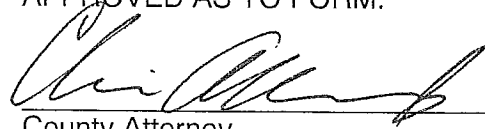
FOR WEBER COUNTY:

  
 \_\_\_\_\_  
 Chair, Weber County Commission

ATTEST:

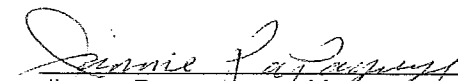
  
 \_\_\_\_\_  
 County Clerk

APPROVED AS TO FORM:


  
 \_\_\_\_\_  
 County Attorney

DATED this 15 day of February, 2003.

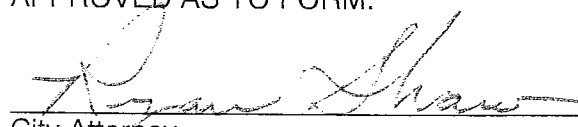
FOR FARR WEST CITY:

  
 \_\_\_\_\_  
 Jimmy Papageorge, Mayor

ATTEST:

  
 \_\_\_\_\_  
 City Recorder

APPROVED AS TO FORM:

  
 \_\_\_\_\_  
 City Attorney

FARR WEST CITY  
RESOLUTION NO. 13-11

**A RESOLUTION APPROVING AN INTERLOCAL AGREEMENT BETWEEN  
FARR WEST CITY AND WEBER COUNTY RELATING TO OBLIGATIONS  
REQUIRED FOR A GENERAL PERMIT FOR STORM WATER  
MANAGEMENT**

**WHEREAS**, the Utah Interlocal Cooperation Act, Title 11, Chapter 3, Utah Code Annotated, 1953 as amended, permits governmental units to enter into agreements with one another for the purpose of exercising on a joint and cooperative basis powers and privileges that will benefit their citizens and make the most efficient use of their resources; and

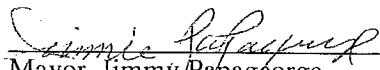
**WHEREAS**, Title 11, Chapter 13, Section 5 of the Utah Code Annotated, 1953 as amended, requires that governing bodies of governmental units adopt resolutions approving an interlocal agreement before such agreements may become effective; and

**WHEREAS**, Weber County and Farr West City have negotiated an Agreement for the purposes of providing storm water services in accordance with the Federal Water Pollution Control Act, as amended by the Clean Water Act of 1987, and the Utah Water Quality Act, together with federal and state regulation adopted pursuant to such Acts for Farr West City;

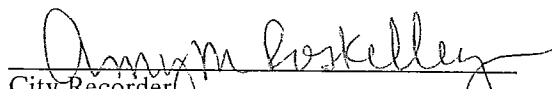
**WHEREAS**, Weber County and Farr West City find that mutual benefit and cost effective government can be achieved through this interlocal agreement for the services entailed herein;

**NOW, THEREFOR, BE IT RESOLVED** by the Mayor and City Council of Farr West City City that the attached Interlocal Agreement is entered with Weber County for the purposes of storm water as authorized in the Interlocal Agreement, and the Interlocal Agreement is hereby approved and incorporated by this reference. The Council hereby authorizes and directs the Mayor to execute the Interlocal Agreement for and on behalf of Farr West City.

PASSED AND APPROVED by the Farr West City Council this 25 day of FEBRUARY 2003.

  
\_\_\_\_\_  
Mayor, Jimmy Papageorge  
Farr West City

ATTEST:

  
\_\_\_\_\_  
City Recorder



STATE OF UTAH, DEPARTMENT OF ENVIRONMENTAL QUALITY, DIVISION OF WATER QUALITY  
 288 North 1460 West, P.O. Box 144870, Salt Lake City, Utah 84114-4870 (801)538-6146

Notice of Intent (NOI) for Coverage Under the UPDES General Permit for Discharges from Small Municipal Separate Storm Sewer Systems (MS4's), Permit No. UTR090000.



INSTRUCTIONS ON BACK PAGE

DWQ USE ONLY

Coverage No. \_\_\_\_\_

Submission of this Notice of Intent constitutes notice that the party identified in Section I of this form intends to be authorized by a UPDES permit issued for storm water discharges from Small Municipal Separate Storm Sewers in the State of Utah. Becoming a permittee obligates such discharger to comply with the terms and conditions of the permit. ALL NECESSARY INFORMATION MUST BE PROVIDED ON THIS FORM.

**Part I. General Information**

Governmental Entity Name: FARR WEST CITY CORPORATION

Mailing Address: 2090 N. 200 W.

City FARR WEST State UT Zip Code 84404

Operator Type (Circle One): City County, Hospital, Prison, Military Base, Park, College/University, UDOT, Sewer District, Flood Control District, Drainage District, Association, Other(list) \_\_\_\_\_

Operator Status (Circle One): (Federal/State) Local Other Public Entity(list) \_\_\_\_\_

Operator Contact Person: Name Jimmy Papageorge

Title Mayor Telephone Number (801) 731-4187

Latitude/Longitude at Center of land for which you are requesting authorization to discharge:

Latitude 41° 18' 10" Longitude 112° 01' 46"

Population served by your MS4: 3,094 People

Storm Water Management Program Responsible Person:

Name Jimmy Papageorge Title Mayor

Telephone Number (801) 731-4187

**Part II: Outfalls and Receiving Waters**

Receiving Waters: List all separate storm water outfall receiving waters (all discharges to waters under the definition of waters of the State). If all receiving waters are not known at the time of the NOI submittal, list known outfalls and update the list on annual reports. (ATTACH ADDITIONAL SHEETS AS NEEDED)

	Outfall	Receiving Water
1.	Fourmile Creek	Weber River
2.	1900 N Drainage	Weber River
3.	3300 N. Outfall	Weber River
4.	Warm Springs channel (4000 N.)	Great Salt Lake
5.		
6.		

**Part III. Initial Identification of Best Management Practices (ATTACH ADDITIONAL SHEETS AS NEEDED)**

**1. Public Education and Outreach on Storm Water Impacts**

**Outreach Techniques**

- Classroom education/school programs
- Outreach to commercial entities
- Printed material
- Media campaign
- Classroom educational materials
- Events and Programs
- Displays
- Speakers to community groups
- Economic incentives
- Promotional giveaways
- Others ...SDSS – Storm Drain System Signage.....

**Management Practices to Encourage**

- Proper lawn and garden care (fertilizer and pesticide use, sweeping, etc.)
- Low impact development
- Pet waste management
- Pollution prevention for businesses
- Proper disposal of household hazardous wastes
- Water Conservation Practices
- Others

**2. Public Involvement/Participation**

**Involvement Techniques**

- Advisory/partner committees
- Local storm water contact
- Public access to documents and information
- Public review of plans and annual reports
- Watershed organizations
- Attitude surveys
- Community hot lines
- Stakeholder meetings
- Others

**Participation Activities**

- Adopt-a-stream
- Storm drain stenciling
- Stream/roadway cleanup
- Volunteer monitoring
- Wetland plantings
- Others

**3. Illicit Discharge Detection and Elimination**

**Detection and Elimination Activities**

- System mapping
- Regulatory Control Program
- Identifying and Eliminating illicit connection procedures
- Dye testing/Tracing Procedures
- System inspections
- Dry Weather Screening Program/ Field Testing
- Others

**Type of Discharges to Target**

- Failing septic systems
- Illegal dumping
- Industrial/business connections
- Recreational sewage
- Sanitary sewer overflows
- Wastewater connections to the storm drain system
- Others

**4. Construction Site Storm Water Runoff Control**

**Program Activities**

- Regulatory Control Program
- Erosion and Sediment Control BMP's
- Other Waste Control Program
- Site Plan Review Procedures
- Public Information handling Procedures
- Site Inspection/Enforcement Procedures
- Other Construction Site Runoff Controls
- Contractor certification and inspector training
- Others

**Best Management Practices**

- Construction Entrance/Exit Stabilization
- Perimeter Controls
- Sediment Retention Structure Requirements
- Sediment filters and sediment chambers
- Mulching Requirements
- Temporary/Permanent Stabilization Requirements
- Vehicle maintenance and washing areas
- Cement Truck Washout Area
- OtherBMP's
- .....BRRC, HWM, PTHD, TCMC, WD

**5. Post-Construction Storm Water Management in New Development and Redevelopment**

- Community Control Strategy
- Regulatory Control Program
- Long Term O& M Procedures
- Pre-Construction Review of BMP Designs
- Site Inspections During Construction
- Post Construction Inspections
- Others

- Infiltration trench/basin
- Infrastructure planning
- storm water inlet specifications
- Narrower residential streets
- Open space design
- Ordinances for post construction runoff
- Storm water wetland
- Zoning
- Others:

.....OWS, SB, SPR.....

**6. Pollution Prevention/Good Housekeeping for Municipal Operations**

- Employee Training Program
- Inspection and Maintenance Program
- Municipal Operations Storm Water Control
- Others
- .....BRRC, BGM.....

- Municipal Operations Waste Disposal
- Flood Management/Assessment Guidelines
- Others:

**Part IV. Initial Identification of Measurable Goals (Attach additional sheets as needed)**

<p><b>1. Public Education and Outreach on Storm Water Impacts</b></p> <p>Measurable goals (with start and end dates): .....</p> <p>List of dumping sites ..... Dec 2004</p> <p>Public Education with Weber County ..... Mar 2003</p> <p>Signage ..... Jul 2004</p> <p>.....</p> <p>.....</p> <p>Milestones: Year 1: W.C. Participation</p> <p>Year 2: List of Dump sites; SD signage</p> <p>Year 3:</p> <p>Year 4:</p> <p>Year 5:</p>	<p><b>4. Construction Site Storm Water Runoff Control</b></p> <p>Measurable goals (with start and end dates): .....</p> <p>Public Works Standards ..... Jul 2003</p> <p>Ordinance for Inspection ..... Mar 2003</p> <p>.....</p> <p>.....</p> <p>Milestones: Year 1: PW Standards; Ordinance</p> <p>Year 2:</p> <p>Year 3:</p> <p>Year 4:</p> <p>Year 5:</p>
<p><b>2. Public Involvement/Participation</b></p> <p>Measurable goals (with start and end dates): .....</p> <p>Participate with Weber County ..... Mar 2003</p> <p>Establish a Community Committee ..... Jul 2004</p> <p>.....</p> <p>.....</p> <p>Milestones: Year 1: W.C. Participation</p> <p>Year 2: Community Committee</p> <p>Year 3:</p> <p>Year 4:</p> <p>Year 5:</p>	<p><b>5. Post-Construction Storm Water Management in New Development and Redevelopment</b></p> <p>Measurable goals (with start and end dates): .....</p> <p>Structural Improvements ..... Dec 2004</p> <p>SD requirements of development ..... Mar 2003</p> <p>Site Reviews ..... Mar 2003</p> <p>.....</p> <p>.....</p> <p>Milestones: Year 1: SD requirements; Site Review</p> <p>Year 2: Structural Improvements</p> <p>Year 3:</p> <p>Year 4:</p> <p>Year 5:</p>
<p><b>3. Illicit Discharge Detection and Elimination</b></p> <p>Measurable goals (with start and end dates): .....</p> <p>Participate with Weber County ..... Mar 2003</p> <p>Mapping ..... Mar 2003</p> <p>Establish and Ordinance ..... Jun 2003</p> <p>.....</p> <p>.....</p> <p>Milestones: Year 1: Establish an Ordinance, Maps, W.C.</p> <p>Year 2:</p> <p>Year 3:</p> <p>Year 4:</p> <p>Year 5:</p>	<p><b>6. Pollution Prevention/Good Housekeeping for Municipal Operations</b></p> <p>Measurable goals (with start and end dates): .....</p> <p>See attached sheet from MCM 6.....</p> <p>.....</p> <p>.....</p> <p>Milestones: Year 1: CO, ET, LC, SC, SCU, VEC</p> <p>Year 2: BRRC, BGM, IDC, MU, RBM, WHD</p> <p>Year 3:</p> <p>Year 4:</p> <p>Year 5: CBD</p>

**Part V. 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 gather and evaluate 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, I certify that 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.

Print Name: Jim Papageorge, Mayor

Signature:  Date: Feb 25 2003

**Part VI: Contract Certification for Co-Permittee SWMP Implementation  
(ATTACH ADDITIONAL SHEETS AS NEEDED)**

List entity names responsible for implementation of the SWMP

- |                        |                                      |
|------------------------|--------------------------------------|
| 1. <u>Weber County</u> | 2. <u>Farr West City Corporation</u> |
| 3. _____               | 4. _____                             |
| 5. _____               | 6. _____                             |

The above entities have entered into an agreement or contract to satisfy the implementation requirements of the Storm Water Management Program listed in the NOI. As stated in the existing agreements (MOU's) or contracts, the entities have agreed to the following responsibilities.

Circle the entity numbers (entity numbers correspond to entity name numbers listed above) corresponding with responsibilities, or portions thereof, of each entity entering into this agreement in the table below:

<u>RESPONSIBILITY</u>	<u>ENTITY</u>					
a. Public Education and Outreach	<u>1.</u>	2.	3.	4.	5.	6.
b. Public Involvement and Participation	<u>1.</u>	2.	3.	4.	5.	6.
c. Illicit Discharge Detection and Elimination	<u>1.</u>	2.	3.	4.	5.	6.
d. Construction Site Run-off Control	1.	<u>2.</u>	3.	4.	5.	6.
e. Post-Construction Storm Water Management in New Development and Redevelopment	1.	<u>2.</u>	3.	4.	5.	6.
f. Pollution Prevention/Good Housekeeping for Municipal Operations	1.	<u>2.</u>	3.	4.	5.	6.

If any entity is agreeing to accomplish only a portion of a responsibility in the table then explain the responsibility portion (e.g. entity 1 is responsible for storm drain stenciling program in the MS4 area, entity 2 is responsible for conducting phone surveys for item (a) in the table etc.) on a separate sheet.

The following statement and the accompanying signatures serve as certification that the agreements (MOU's) or contracts have been developed and agreed upon for the implementation of the Operator's (Identified in Part I of the NOI) SWMP.

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 gather and evaluate 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, I certify that 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.

Entity	Authorized Signature	Date	Entity	Authorized Signature	Date
1.	<u>[Signature]</u>	<u>3-4-03</u>	2.	<u>[Signature]</u>	<u>Feb 26 2005</u>
3.	_____	_____	4.	_____	_____
5.	_____	_____	6.	_____	_____

**Instructions for Completing the Notice of Intent for Coverage Under a UPDES General Permit for Storm Water Discharges From SMALL MUNICIPAL SEPARATE STORM SEWER SYSTEMS**  
**Permit No. UTR090000**

**Who Must File a Notice of Intent?**

If you are an operator of a regulated small MS4 designated for permitting, you must apply for coverage under a UPDES permit, or apply for a modification of an existing UPDES permit. If you have questions about whether you need a permit under the UPDES Storm Water Program, contact the Utah Division of Water Quality. The NOI must be submitted in accordance with the deadlines established in Part 2.A. of the UPDES MS4 General Permit.

**When to File the NOI Form**

DO NOT FILE THE NOI UNTIL YOU HAVE READ A COPY OF THE SMALL MUNICIPAL SEPARATE STORM SEWER SYSTEM GENERAL PERMIT. You will need to determine your eligibility, prepare your storm water management plan, and correctly answer all questions on the NOI form, all of which must be done before you can sign the certification statement on the NOI in good faith (and without risk of committing perjury).

**Where to File the NOI Form**

NOIs must be sent to the following address:

Department of Environmental Quality  
Division of Water Quality  
P.O. Box 144870  
Salt Lake City, UT 84114-4870

**Completing the NOI Form**

Please make sure you have addressed all applicable questions and have made a photocopy for your records before sending the completed form to the address above. Attach additional pages as needed for detailed explanations of items on the form.

**Part I. MS4 General Information**

Provide the legal name of the person, partnership, co-partnership, firm, company, corporation, association, joint stock company, trust, estate, governmental entity, or other legal entity that operates the MS4 described in this application. The responsible party is the legal entity that controls the MS4's operation. Provide the telephone number of the MS4 operator. Provide the mailing address of the MS4 operator. Include the street address or P.O. box, city, state, and zip code. All correspondence regarding the permit will be sent to this address, not the MS4 address in Section B.

Enter the official or legal name of the MS4.

Enter the city or cities, county or counties, and state in which the MS4 is located.

Enter the latitude and longitude of the approximate center of the MS4 in degrees/minutes/seconds. Latitude and longitude can be obtained from U.S. Geological Survey (USGS) quadrangle or topographic maps or by using a GPS unit, calling 1-(888) ASK-USGS, searching for your Facility's address on several commercial map sites on the Internet, or searching the U.S. Census Bureau database at <http://www.census.gov/cgi-bin/gazetteer>. Additionally, estimate the acreage of land area that drains to the MS4. This estimate can be made using topographic maps or topographic data in a geographic information system.

Indicate the legal status of the MS4 operator as a Federal, State, private, or other public entity (other than Federal or State). This refers only to the operator, not the owner of the land on which the MS4 is located.

Indicate whether the MS4 discharges storm water into one or more receiving water(s). Enter the name(s) of the receiving water(s).

Indicate whether the MS4 discharges storm water into one or more receiving water(s). Enter the name(s) of the receiving water(s).

**Part II. Outfalls and Receiving Waters**

Indicate all major outfalls (by outfall description) and the receiving water body for each outfall. Indicate whether any of the receiving water bodies are included on the 303(d) list for water quality impairments.

**Part III. Initial Identification of Management Practices**

Check the management practices that you have selected to meet each of the minimum measures. If a selected practice is not on the list, check "Other" and write the name of the practice in the space provided.

**Part IV. Identification of Initial Measurable Goals**

List the person(s) responsible for implementing or coordinating the storm water management program. Provide a narrative description of the measurable goals that will be used for each of the storm water minimum control measures. Indicate the month and year in which you will start and fully implement each of the minimum control measures, or indicate the frequency of the action in the description. Attach additional pages as necessary.

**Part V. Certification**

Certification statement and signature. (CAUTION: An unsigned or undated NOI form will prevent the granting of permit coverage.) State statutes provide for severe penalties for submitting false information on this application form. State regulations require this application to be signed by either a principal executive or ranking elected official as described in Part VI.H. of the Small MS4 General Permit.

**Part VI. Contract Certification for Co-Permittee SWMP Implementation**

Contract certification is required when more than one entity will be implementing the SWMP for the operator filing the NOI. The form must be completely filled out to clearly identify all coordinating agencies. Additional pages shall be used as necessary to define the responsibilities for each entity in preparation and implementation of the SWMP. The form must be signed by all coordinating entities, certifying that local agreements and/or contracts have been developed and agreed upon.

Commercial and Residential	Oil, Grease, and Hydrocarbons	Asphalt surface leaching, spills, leaks, construction activities
Residential and Parks	Floatables	Street refuse, industrial yard waste

### 6.3 MEASURABLE GOALS AND FISCAL ABILITY

The following table summarizes the BMPs, Measurable Goals, Implementation Schedule and Fiscal ability of the City's for each BMP. The Fiscal Ability references the anticipated cost for the BMP as well as the source of funding. The upper cased abbreviations in the name column indicates that a separate sheet is included discussing more detail of the BMP.

MCM 6 - POLLUTION PREVENTION / GOOD HOUSE KEEPING				
Name	BMP	Measurable Goal	Implementation Schedule	Fiscal Ability
BRRC	Building Repair, Remodeling, and Construction	Provide 2 hours of annual training to employees	June 2004	Included below
BGM	Building and Grounds Maintenance	Reduce pesticide use by keeping a log of usage in each location	June 2004	Included below
CBC	Catch Basin Cleaning	Clean catch basins semi-annually	Mar 2008	\$5,000/yr from General Fund (GF)
CO	Covering	Construct a storage facility for Salt Storage	Mar 2003	\$5,000 capital cost from GF
ET	Employee Training	training 2 hrs / year	June 2003	\$1000 per year
IDC	Illegal Dumping Controls	Have stickers on Catch basin.	Complete by Jul 2004	See MCM One
LC	Litter Control	Coordinate annual clean-up program	Organize by Dec 2003	Coordinated by Volunteers
MU	Material Use	Training 2 hrs/ yr	Dec 2004	see ET above
RBM	Roadway/ Bridge Maintenance	Fill Potholes annually	Dec 2004	\$800/yr by GF
SC	Street Cleaning	Sweep Streets Semi-annually	Immediate	\$1,600/yr by GF
SCU	Spill Clean-Up	Obtain a list of Emergency Environmental Clean-up Companies	June 2003	Volunteers to research

Name	BMP	Measurable Goal	Implementation Schedule	Fiscal Ability
VEC	Vehicle and Equipment Cleaning	Use commercial car wash & Maintain a log of washes	by Sept 2003	\$100/yr
WHD	Waste Handling & Disposal	Continue Newspaper and Aluminum recycle program. Advertize program at City Hall and other locations	by June 2004	Volunteers to post advertisements.
Estimated Annual Cost for Implementation				\$8,500
Estimate One-Time cost within next 5 years				\$5,000

#### 6.4 BEST MANAGEMENT PRACTICES (BMP)

The following pages consist of the BMP's for the City. Each page represents a separate BMP with details given. The intent of this section is to provide a variety of practices that could be related to Post Construction Storm Water Management. The format is similar to other communities on the Wasatch Front, having been originally obtained from Salt Lake County's Storm Water Management Plan.

#### 6.5 REFERENCES

- Berman, L., C. Hartline, N. Ryan, and J. Thorne. 1991. "Urban Runoff: Water Quality Solutions." American Public Works Association, Special Report #61.
- City of Boise Public Works Department. January 1997. "Boise Storm Water Best Management Practices (BMP) Guidebook."
- Debo, T.N. and A. J. Reese. 1995. Municipal Storm Water Management. Lewis Publishers. Boca Raton, FL.
- Salt Lake County Engineering Division. September 1999. "Guidance Document for Stormwater Management."
- State of California. March 1993. "California Storm Water Best Management Practice Handbooks."
- State of Minnesota. October 1989. "Protecting Water Quality in Urban Areas - Best Management Practices for Minnesota."
- U.S. Environmental Protection Agency. September 1992. "Storm Water Management for Industrial Activities - Developing Pollution Prevention Plans and Best Management Practices," EPA-832-R-92-006.