STATE OF UTAH DEPARTMENT OF ENVIRONMENTAL QUALITY
DIVISION OF WATER QUALITY

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

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

JORDAN VALLEY MUNICIPALITIES, specifically,

SALT LAKE COUNTY, BLUFFDALE CITY, COTTONWOOD HEIGHTS, DRAPER CITY, HERRIMAN CITY, HOLLADAY CITY, MIDVALE CITY, MURRAY CITY, RIVERTON CITY, SANDY CITY, SOUTH JORDAN CITY, SOUTH SALT LAKE CITY, TAYLORSVILLE CITY, WEST JORDAN CITY, AND WEST VALLEY CITY

This Permit shall become effective on September 5, 2013.

This Permit and the authorization to discharge shall expire at midnight, September 4, 2018, except as described in Part 6.3 of this Permit.

Signed this 3 day of September, 2013.

Walter L. Baker, P.E.
Director

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

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1.0 Coverage Under this Permit

1.1. Authority to Discharge

This Permit authorizes the discharge, to Waters of the State of Utah, of storm water from Co-Permittees defined in Part 1.2. of this Permit. This authorization is subject to all of the terms and conditions of this Permit. This Permit does not authorize discharges prohibited under Part 1.4. of this Permit.

1.2. Permit Area and Eligibility

1.2.1. This Permit covers all the following separate jurisdictional areas located within Greater Salt Lake County as follows:

1.2.1.1. Areas covered under "Phase I" provisions in this Permit which includes unincorporated Salt Lake County. This permitted area covers all areas within the unincorporated boundary of Salt Lake County served by, or otherwise contributing to discharges from, the municipal separate storm sewer(s) owned or operated by Salt Lake County and also includes all Salt Lake County owned and operated storm drainage facilities ("countywide facilities"); and

1.2.1.2. Areas covered under "Phase II" provisions in this Permit which includes:

1.2.1.2.1 Salt Lake County "countywide" facilities owned and maintained by Salt Lake County that are within Greater Salt Lake County, but outside of the boundaries of Salt Lake City and unincorporated Salt Lake County; and

1.2.1.2.2 Incorporated areas within Salt Lake County, which are defined as small municipal separate storm sewer systems as defined in *Utah Administrative Code* (UAC) R317-8-3.9 and listed below:

- Bluffdale City
- Cottonwood Heights
- Draper City
- Herriman City
- Holladay City
- Midvale City
- Murray City
- Riverton City
- Sandy City
- South Jordan City
- South Salt Lake City
- Taylorsville City
- West Jordan City
- West Valley City

1.2.1.2.3 Additional operators of small municipal separate storm sewers within the boundaries of Salt Lake County, which submit application and are approved for inclusion under the Permit during the course of this Permit cycle.

1.2.1.3. 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:

1.2.1.4. 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 Co-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 (as defined at 40 CFR 35.2005(20)) to separate storm sewers
- Uncontaminated pumped ground water
- Discharges from potable water sources
- Uncontaminated footing/foundation drains
- Air conditioning condensate
- Irrigation water
- Springs
- Uncontaminated water from crawl space pumps
- Individual residential car washing
- Flows from riparian habitats and wetlands
- Dechlorinated swimming pool discharges
- Residual street wash water
- Dechlorinated water reservoir discharges
- Discharges or flows from emergency firefighting activity

1.3. Local Agency Authority

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

1.4. Limitations on Coverage

This Permit does not authorize:

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

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

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

1.4.4. Storm water discharges currently covered under another Permit.

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

1.4.6. Discharges of any pollutant into any Waters of the State for which a Total Maximum Daily Load (TMDL) has been approved by EPA unless the discharge is consistent with the TMDL. This consistency determination applies at the time a Notice of Intent is submitted. If conditions change after coverage is issued, the coverage may remain active provided the conditions and requirements of Part 3.1. of this Permit are complied with.

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 an 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.

1.5. Co-Permittee(s) and Co-Permitee Accountability

1.5.1. The following entities are Co-Permittees covered in this Permit:

1.5.1.1 All entities listed in Permit Parts 1.2.1.1., 1.2.1.2.1, and 1.2.1.2.2, and;

1.5.1.2. Additional operators of small municipal separate storm sewers within the boundaries of Salt Lake County, which submit application and are approved for inclusion under the Permit during the course of this Permit cycle.

Each Co-Permittee is individually accountable for:

1.5.2. Permit compliance for discharges from portions of the MS4 where it is the operator and for areas within its legal jurisdiction, unless another Co-Permittee has agreed in writing to assume that responsibility within the jurisdiction of the Co-Permittee as described in Appendix I: *Co-Permittee Identification and Accountability*;

1.5.3. Development of a Storm Water Management Program (SWMP) as further described in Part 4.0., in the MS4 area of their jurisdiction, unless another Co-Permittee has agreed to assume that responsibility within the jurisdiction of the Co-Permittee as described in Appendix I: *Co-Permittee Identification and Accountability*;

1.5.4. Implementation of a SWMP and 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, unless another Co-Permittee has agreed to assume that responsibility within the jurisdiction of the Co-Permittee as described in Appendix I: *Co-Permittee Identification and Accountability*;

1.5.5. Permit compliance (all or part), development of a SWMP (all or part), and implementation of the SWMP (all or part) in an area outside of the Co-Permittees legal municipal jurisdiction if the Co-Permittee has agreed to the added responsibility as described in Appendix I: *Co-Permittee Identification and Accountability*;

1.5.6. Cooperation in compiling any shared portions of the annual reporting requirements listed in Part 5.6., 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 as specified in Appendix I: *Co-Permittee Identification and Accountability*;

1.5.7. Phase I Co-Permittee, Salt Lake County, shall provide wet weather monitoring as described in Appendix III.

1.5.8. Phase I Co-Permittee, Salt Lake County shall comply with the additional Industrial and High Risk Runoff Permit requirements contained in Part 4.3.

1.6 Documents the Co-Permittees Shall Develop to Append the Permit

The following documents shall be developed and signed (in accordance with Part 6.8. *Signatory Requirements)* by the Co-Permittees, and will append the Permit as enforceable Permit conditions binding on the Co-Permittees:

1.6.1. Appendix I: *Co-Permittee Identification and Accountability* shall contain:

1.6.1.1. A list of all Co-Permittees covered by this Permit, a description of the legal jurisdiction of the Co-Permittees, MS4 boundaries, and the date the Co-Permittee is officially included as a Co-Permittee under this Permit (the Permit shall be modified as a minor modification, not requiring public notice, pursuant to *UAC R317-8-5.6(3)(d)* to officially include additional Co-Permittees);

1.6.1.2. Where Permit compliance and SWMP development and implementation accountability is transferred, all or part, to another Co-Permittee, a description of where (on which Co-Permittee) the accountability falls. The description shall assign clear and distinct accountability to the Co-Permittees involved as to who is responsible for what Permit compliance issues, who is to develop what portions of a SWMP, and who is to implement what portions of the SWMP;

1.6.1.3. Any necessary agreements, contracts, or memorandum of understanding (MOUs) between Co-Permittees and/or other municipal (or non-municipal) entities that affect the implementation and operation of SWMP.

1.6.2. Timing for Development & Inclusions or Exclusions of Co-Permittees:

1.6.2.1. The *Co-Permittee Identification and Accountability* document shall be updated within 30 days of issuance of this Permit;

1.6.2.2. The *Co-Permittee Identification and Accountability* document shall be updated immediately for each new inclusion or exclusion of a Co-Permittee.

1.6.3. Appendix II: *Storm Water Management Program* (for each MS4 listed in *Appendix I*):

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

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

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

1.6.4.2. Modifications to this document shall be approved with a signature by the *Division*.

1.6.5. Modification and Maintenance of Appendices:

1.6.5.1. Co-Permittees shall keep the documents in the appendices current and up to date and attempt to achieve the purpose and objectives of the required document;

1.6.5.2. All modifications to the appendix documents shall show proof that it was submitted to the *Division* (a received date stamp from the Division of Water Quality, or verification e-mail from DWQ would be sufficient), and if required, it shall show that it was approved by the *Division* (a signature by the *Division* by an approval statement on the document, a separate letter signed by the *Division* approving of the modification, or similar is sufficient);

1.6.5.3. Each Appendix shall maintain a record of the original document, each modification, and the date the modification was made;

1.6.5.4. The *Division* may at any time make a written determination that parts or all of the appendix documents are unacceptable, wherein the Co-Permittee(s) shall make modifications to the unacceptable parts within 30 days, or within a time frame specified by the *Division*.

2.0 Notice of Intent and Storm Water Management Program Requirements

2.1. New Applicants

The requirements of this Part apply only to Co-Permittees **not** covered under the previous Jordan Valley Municipalities UPDES Permit No. UTS000001, i.e. **New Applicants**. Co-Permittees that were covered under the previous Jordan Valley Municipalities UPDES Permit No. UTS000001, i.e. Renewal Applicants, and have submitted a notice of intent (NOI) at least 180 days prior to the expiration date of the previous Permit, shall instead follow the requirements of Part 2.3.

2.1.1. New applicants shall meet the following application requirements. The Notice of Intent (NOI) shall 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.

2.1.2. 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

2.1.3. 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.

2.1.4. 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

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

2.1.6. Implementation of the Co-Permittee's SWMP as described in the Co-Permittee's application is required to begin within 30 days after the completed application is submitted. The Co-Permittee shall 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.

2.1.7. 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 Co-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 Co-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 Co-Permittee that were considered in the development of the SWMP;

2.2.5. The SWMP document shall consist of, at a minimum, a description of the program elements that will be implemented (or already exist) for each of the SWMP minimum control measures. The plan shall be detailed enough for the Division to determine the Co-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 Co-Permittee will achieve required actions, including interim milestones;

2.2.7. 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. Co-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, Co-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 Co-Permittees

2.3.1. The requirements of this part apply only to **Renewal Co-Permittees** that were covered under the previous Jordan Valley Municipalities UPDES Permit No. UTS000001. New applicants are not required to meet the requirements of this Part and instead shall follow the requirements of Part 2.0.

2.3.2. Renewal Co-Permittees shall 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 Co-Permittee that were considered in the development and/or revisions to the SWMP document. Each Co-Permittee shall provide measurable goals for each minimum control measure described in Permit Part 4.2. Measurable goals should be based on:

- Improvements in reducing annual loadings of pollutants to the watershed;
- Improvements to "receiving stream" water quality, hydrology, geomorphology, habitat, or biology;
- Quantifiable improvements in the MS4s discharged storm water quality;
- Improvements in meeting the objectives of the SWMP;
- Progress in BMP implementation or performance; and
- At a minimum, a measure of specific actions, the frequency of those actions, and dates.

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 Co-Permittee intends to meet the Permit requirements 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 Co-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 shall 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: Co-Permittees shall:

3.1.1.1. Determine whether storm water discharge from any part of the MS4 contributes to a 303(d) listed (i.e., impaired) waterbody. A 303(d) list of impaired waterbodies is available at 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 Co-Permittee has discharges meeting these criteria, the Co-Permittee shall 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 Co-Permittee has "303(d)" discharges described above, the Co-Permittee shall 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 shall comply with all requirements associated with the TMDL as well as the requirements of Part 3.1.2. below. If no TMDL has been approved, the Co-Permittee shall comply with Part 3.1.2. below and any TMDL requirements once it has been approved. TMDL requirements may be put into effect at any time during this Permit term.

3.1.2. Water Quality Controls for Discharges to Impaired Waterbodies. If the Co-Permittee discharges to an impaired waterbody, the Co-Permittee shall include in its SWMP document a description of how the Co-Permittee will control the discharge of the pollutants of concern. This description shall identify the measures and BMPs that will collectively control the discharge of the pollutants of concern. The measures 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 Co-Permittee of such violation(s). The Co-Permittee shall take all necessary actions to ensure future discharges do not cause or contribute to the violation of a water quality standard and document these actions as required by the 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 Co-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.

4.0 Storm Water Management Program

4.1. Requirements

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

4.1.3. The SWMP document shall include BMPs that the Co-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 Co-Permittee will undertake required actions, including interim milestones and the frequency of the actions.

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

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

4.2. Minimum Control Measures

Co-Permittees covered under the previous Jordan Valley Municipalities UPDES Permit No. UTS000001, i.e. **Renewal Co-Permittees**, are expected to have fully implemented Storm Water Management Programs (SWMPs) that reflect the permit requirements of the previous permit cycle. A Renewal Co-Permittee shall continue to implement its SWMP as described in the application and submittals provided in accordance with the previous Jordan Valley Municipalities MS4 Permit, while updating its SWMP document pursuant to this renewal Permit. This Permit does not extend the compliance expectations set forth in the previous MS4 general Permit or any corrective action plans and associated schedules unless specifically noted.

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

4.2.1. Public Education and Outreach on Storm Water Impacts

The Co-Permittee shall implement a public education and outreach program to promote behavior change by the public to reduce water quality impacts associated with pollutants in storm water runoff and illicit discharges. Outreach and educational efforts shall include a multimedia approach and shall be targeted and presented to specific audiences for increased effectiveness. The educational program shall include documented education and outreach efforts for the following four audiences: (1) 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 Co-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 Co-Permittee's prohibitions against and the water quality impacts associated with illicit discharges and improper disposal of waste. The Co-Permittee shall at a minimum consider the following topics. These topics are not inclusive and the Co-Permittee shall 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 Co-Permittee's prohibition against and the water quality impacts associated with illicit discharges and improper disposal of waste. The Co-Permittee shall at a minimum consider the following topics. These topics are not inclusive and the Co-Permittee shall 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 annually, at a minimum, training given to employees, of Co-Permittee-owned or operated facilities concerning the Co-Permittee's prohibition against and the water quality impacts associated with illicit discharges and improper disposal of waste. The Co-Permittee shall at a minimum consider the following topics: equipment inspection to ensure timely maintenance; proper storage of industrial materials (emphasize pollution prevention); proper management and disposal of wastes; proper management of dumpsters; minimization of use of salt and other de-icing materials (cover/prevent runoff to MS4 and ground water contamination); benefits of appropriate on-site infiltration (areas with low exposure to industrial materials such as roofs or employee parking); and proper maintenance of parking lot surfaces (sweeping). The Co-Permittee shall document and maintain records of the training provided and the staff in attendance.

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 shall show evidence of focused messages and audiences as well as demonstration that the defined goal of the program has been achieved. The Co-Permittee shall define the specific messages for each audience. The Co-Permittee shall 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 shall 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 Co-Permittee shall include written documentation or rationale as to why particular BMPs were chosen for its public education and outreach program.

4.2.2. Public Involvement/Participation

The Co-Permittee shall 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 Co-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. Co-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 Co-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 Co-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 Co-Permittee shall 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 Co-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 shall be described in writing, incorporated as part of the Co-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 Co-Permittee shall 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. The Co-Permittee shall include in its SWMP document a description of the types of escalating enforcement options which would be used in response to all anticipated types of noncompliance including repeat and continued violations. These descriptions shall identify by title the official(s) responsible for each type of enforcement response. 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 shall be eliminated. All SSOs shall be reported to the Division of Water Quality and to the Co-Permittee's local wastewater treatment plant.

4.2.3.2.1 The IDDE program shall have adequate legal authority to detect, investigate, eliminate and enforce against non-storm water discharges, including illegal dumping, into the MS4. Adequate legal authority consists of an effective ordinance, by-law, or other regulatory mechanism. The documented IDDE program that is included in the Co-Permittee's SWMP shall include a reference or citation of the authority the Co-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 Co-Permittee shall document the basis for its selection of each priority area and create a list of all priority areas identified in the system. This priority area list shall be updated annually to reflect changing priorities.

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

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

4.2.3.7. Co-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. Co-Permittees shall promote or provide services for the collection of household hazardous waste.

4.2.3.9. Co-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 Co-Permittee shall 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 Co-Permittee. The procedure and list shall be incorporated as part of the IDDE program and incorporated into the Co-Permittee's SWMP document. The list shall be maintained and updated as changes occur.

4.2.3.10. Co-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. Co-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. Co-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. Co-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. Co-Permittees shall document and maintain records of the training provided and the staff in attendance.

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 Co-Permittee's program, and to require inclusion of the discharge in the Co-Permittee's program, if water quality concerns can not otherwise be reasonably satisfied.

4.2.4. Construction Site Storm Water Runoff Control

All Co-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 Co-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 shall 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 or other regulatory mechanism shall include a provision for access by qualified personnel to inspect construction sites as well as storm water BMPs on private properties that discharge to the MS4.

4.2.4.1.3. The ordinance or other regulatory mechanism shall require that all 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, obtain a Utah Pollutant Discharge Elimination System UPDES Storm Water Permit (UPDES General Permit No. UTR300000) prior to local permit approval and issuance.

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. Co-Permittees shall keep records of these projects for five years

or until construction is completed, whichever is longer. Prior to construction, the Co-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 Co-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 shall clearly define who is responsible for site inspections as well as who has authority to implement enforcement procedures. The Co-Permittee shall have the authority to the extent authorized by law to impose sanctions to ensure compliance with the local program. These procedures and regulatory authorities shall be written and documented in the SWMP. The construction site storm water runoff control inspection program shall provide:

4.2.4.4.1 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 Co-Permittee shall inspect all phases of construction: prior to land disturbance, during active construction, and following active construction. The Co-Permittee shall 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. shall 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 Co-Permittee shall take all necessary follow-up actions (i.e., reinspection, enforcement) to ensure compliance in accordance with the Co-Permittee's enforcement strategy. These follow-up and enforcement actions shall be tracked and documented.

4.2.4.5 The Co-Permittee shall 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 at a minimum annually, to conduct these activities. The training can be conducted by the MS4 or outside training can be attended. Such training shall extend to third-party inspectors and plan reviewers as well. The Co-Permittee shall document and maintain records of the training provided and the staff in attendance.

4.2.4.6. All Co-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. All Co-Permittees must keep a list or inventory of 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. Co-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. Co-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 Co-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 shall 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 Co-Permittee's new development/redevelopment program shall 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 Co-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 shall 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 Co-Permittee shall develop a plan to retrofit existing developed sites that are adversely impacting water quality. The retrofit plan shall be developed to emphasize controls that infiltrate, evapotranspire or harvest and use storm water discharges. The plan shall 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 Co-

Permittee shall 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 Co-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) shall be incorporated into the Co-Permittee's post-construction minimum control measure and documented in the SWMP. Co-Permittees may allow other unique or complex methodologies.

4.2.5.4. All Co-Permittees shall adopt and implement procedures for site plan review which incorporate consideration of water quality impacts. Prior to construction, Co-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 Co-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 Co-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 Co-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 shall 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 Co-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 Co-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 Co-Permittee shall require a maintenance agreement addressing maintenance requirements for any control measures installed on site. The agreement shall allow the Co-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 shall also allow the Co-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 shall be conducted annually by either the Co-Permittee or through a maintenance agreement, the property owner/operator. On sites where the property owner/operator is conducting maintenance, the Co-Permittee shall inspect those storm water control measures at least once every five years, or more frequently as determined by the Co-Permittee to verify and ensure that adequate maintenance is being performed. The Co-Permittee shall 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. Co-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 annually, at a minimum, in the fundamentals of long-term storm water management through the use of structural and non-structural control methods. The Co-Permittees shall document and maintain records of the training provided and the staff in attendance.

4.2.5.7. The Co-Permittee shall 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 Co-Permittee's service area.

4.2.5.7.1 Each entry to the inventory shall 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 shall include the following for each project:

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

4.2.5.7.2 Based on inspections conducted pursuant to Part 4.2.5.5., the Co-Permittee shall 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 Co-Permittees shall develop and implement an operations and maintenance (O & M) program for Co-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 Co-Permittee-owned or operated facilities and operations. All components of an O & M program shall be included in the SWMP document and shall identify the department (and where appropriate, the specific staff) responsible for performing each activity described in this section. The Co-Permittee shall develop an inventory of all such Co-Permittee-owned or operated facilities. The Co-Permittee shall review this inventory annually and update as necessary. The minimum performance measures are:

4.2.6.1. Permitees shall develop and keep current a written inventory of Co-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 Co-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
- Co-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 shall instead maintain the Storm Water Pollution Prevention Plan (SWPPP) required by that Permit.

4.2.6.2. All Co-Permittees shall initially assess the written inventory of Co-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 Co-Permittee shall determine additional pollutants associated with its facilities that could be found in storm water discharges. A description of the assessment process and findings shall be included in the SWMP document.

4.2.6.3. Based on the assessment required in Part 4.2.6.2., the Co-Permittee shall identify as "high-priority" those facilities or operations that have a high potential to generate storm water pollutants. Among the factors that shall 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 shall 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. shall 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 Co-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: Co-Permittee-owned or operated offices, police and fire stations, pools, parking garages, and other Co-Permittee-owned or operated buildings or utilities. The SOPs shall 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 Co-Permittee-owned or operated facilities shall develop and ensure that spill prevention plans are in place, if applicable, and coordinate with the local fire department as necessary. The SOPs shall address dumpsters and other waste management which includes, but is not limited to, cleaning, washing, painting and

other maintenance activities. The O & M program shall 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 Co-Permittees shall develop an inventory of all floor drains inside all Co-Permittee-owned or operated buildings. The inventory shall be kept current. The Co-Permittee shall ensure that all floor drains discharge to appropriate locations. Within 180 days of receiving coverage from this Permit, all Co-Permittees shall develop an inventory including a map of all storm drains located on the property of all Co-Permittee-owned or operated buildings and facilities. The Co-Permittee shall 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. Co-Permittees shall develop and implement SOPs to protect water quality at each of these facilities owned or operated by the Co-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 shall 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 shall also address the proper cleaning of maintenance equipment, building exterior, trash containers and the disposal of the associated waste and wastewater. Co-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 Co-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 Co-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 Co-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 Co-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 Co-Permittee shall 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. Co-Permittees shall implement catch basin cleaning, storm water system maintenance, scheduled structural BMP inspections and maintenance, and pollution prevention/good housekeeping practices. Co-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 Co-Permittee-owned or operated storm water structural BMPs including but not limited to, swales, retention/detention basins or other structures shall be inspected annually to ensure that they are properly maintained to reduce the discharge of pollutants into receiving waters. Co-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 shall be reviewed and approved by the Division. Some materials removed from storm drains and open channels may require special handling and disposal, and may not be authorized to be disposed of in a landfill.

4.2.6.4.7. Other facilities and operations Co-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 Co-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 Co-Permittee. This expectation shall be defined in contracts between the Co-Permittee and its contractors or the contractors of private developments. The Co-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 Co-Permittee.

4.2.6.6 An O & M program designed for Co-Permittee-owned or operated facilities shall include the following inspections:

4.2.6.6.1 Weekly visual inspections: The Co-Permittee shall perform weekly visual inspections of "high priority" facilities in accordance with the developed SOPs to minimize the potential for pollutant discharge. The Co-Permittee shall look for evidence of spills and immediately clean them up to prevent contact with precipitation or runoff. The weekly inspections shall 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, shall 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 shall be documented and records kept with the SWMP document. This inspection shall be done in accordance with the developed SOPs. An inspection report shall 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 Co-Permittee shall visually observe the quality of the storm water discharges from the "high priority" facilities (unless climate conditions preclude doing so, in which case the Co-Permittee shall 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 shall be remedied to prevent discharge to the storm drain system. Visual observations shall be documented and records kept with the SWMP document. This inspection shall be done in accordance with the developed SOPs. The inspection report shall also include any identified deficiencies and the corrective actions taken to remedy the deficiencies.

4.2.6.7. The Co-Permittee shall 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 Co-Permittee or that discharge to the MS4. This process shall include consideration of controls that can be used to minimize the impacts to site water quality and hydrology while still meeting project objectives. A description of this process shall be included in the SWMP document

4.2.6.7.1 Existing flood management structural controls shall be assessed to determine whether changes or additions should be made to improve water quality. A description of this process and 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 Co-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. Co-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 Co-Permittee shall identify target employees to participate in the training sessions. Training shall be conducted annually, at a minimum, and 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 Co-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. Co-Permittees shall document and maintain records of the training provided and the staff in attendance.

4.3. Industrial and High Risk Runoff (Phase I Co-Permittee Only)

Phase I Co-Permittee (Salt Lake County) shall continue to develop and implement an inspection and oversight program to monitor and control pollutants in storm water discharges to the MS4 from industrial facilities. Phase I regulations specify that several key elements shall be included in Phase I storm water management programs. These elements include: adequate legal authority to require compliance and inspect sites, inspection of priority industrial and commercial facilities, establishing control measure requirements for facilities that may pose a threat to water quality, and enforcing storm water requirements. The following permit requirements apply to only Phase I Co-Permittee (Salt Lake County):

4.3.1. The Phase I Co-Permittee shall maintain an inventory of all industrial and commercial sites/sources within its jurisdiction (regardless of ownership) that could discharge pollutants in storm water to the MS4. The inventory shall be updated annually, at a minimum, and made available for review by the Division upon request.

4.3.1.1. The inventory shall include the following minimum information for each industrial and commercial site/source:

- Name
- Address
- Physical location of storm drains and other conveyance structures receiving discharge
- Name of receiving water
- Pollutants potentially generated by the site/source
- Identification of whether the site/source is (1) tributary to an impaired water body segment (i.e., whether it is listed under Section 303(d) of the Clean Water Act) and (2) whether it generates pollutants for which the water body segment is impaired.
- A narrative description including the standard industrial classification (SIC) codes, which best reflects the principal products or services provided by each facility.

4.3.1.2. At a minimum, the following sites/sources shall be included in the inventory:

Commercial Sites/Sources:

- Automobile and other vehicle body repair or painting
- Automobile (or other vehicle) parking lots and storage facilities
- Automobile repair, maintenance, fueling, or cleaning
- Building material retailers and storage
- Cement mixing or cutting
- Eating or drinking establishments (e.g., restaurants), including food markets
- Equipment repair, maintenance, fueling, or cleaning
- Golf courses, parks and other recreational areas/facilities
- Landscaping
- Masonry

- Mobile automobile or other vehicle washing
- Mobile carpet, drape or furniture cleaning
- Nurseries and greenhouses
- Painting and coating
- Pest control services
- Pool and fountain cleaning
- Portable sanitary services
- Power washing services
- Retail or wholesale fueling

Industrial Sites/Sources

- Industrial Facilities, as defined at 40 CFR 122.26(b)(14), including those subject to the Multi Sector General Permit or individual UPDES permit
- Facilities subject to Title III of the Superfund Amendments and Reauthorization Act (SARA)
- Hazardous waste treatment, disposal, storage and recovery facilities

4.3.1.3. All other commercial or industrial sites/sources tributary to an impaired water body segment, where the site/source generates pollutants for which the water body segment is impaired.

4.3.1.4. All other commercial or industrial sites/sources that the Co-Permittee determines may contribute a significant pollutant load to the MS4 including those that the Co-Permittee may have a history of past water quality problems.

4.3.2. The Co-Permittee shall require industrial and commercial facilities listed in the inventory included in Part 4.3.1.2. to select, install, implement, and maintain storm water control measures as necessary to minimize storm water pollution.

4.3.2.1. The Co-Permittee is required to notify industrial and commercial sites of any control measure requirements pertaining to their site and their responsibility to implement and comply with the requirements.

4.3.2.2. The Co-Permittee may need to require industrial and commercial facilities that discharge into impaired waterbodies to implement additional controls as necessary to prevent the discharge of pollutants of concern.

4.3.3. The Co-Permittee shall prioritize all facilities on the basis of the potential for water quality impact using criteria such as pollutant sources on site, pollutants of concern, proximity to a water body, and violation history of the facility.

4.3.3.1. The Co-Permittee shall describe in its SWMP document the process for prioritizing facilities.

4.3.4. The Co-Permittee is required to conduct inspections of all industrial and commercial facilities at least once during this Permit term with the highest priority facilities receiving more frequent inspections.

4.3.4.1. For facilities with no exposure of commercial or industrial activities to storm water, no inspections are required. However, the Co-Permittee shall continue to track these facilities for significant change in the exposure of their operations to storm water.

4.3.4.2. All industrial and commercial facility inspections shall at a minimum:

- Evaluate the facility's compliance with this permit's Part 4.3.2. requirement to select, design, install, and implement storm water control measures;
- Conduct a visual observation for evidence of unauthorized discharges, illicit connections, and potential discharge of pollutants to storm water;
- Verify whether the facility is required to be authorized under the UPDES Multi-Sector General Permit (MSGP) for Storm Water Discharges Associated with Industrial Activities and whether the facility has in fact obtained such permit coverage;
- Evaluate the facility's compliance with any other relevant local storm water requirements;

4.3.4.3. At a minimum, the Co-Permittee shall document the following for each inspection:

- The inspection date and time;
- The name(s) and signature(s) of the inspectors;
- Weather information and a description of any discharges occurring at the time of the inspection;
- Any previously unidentified discharges of pollutants from the site;
- Any control measures needing maintenance or repairs;
- Any failed control measures that need replacement;
- Any incidents of noncompliance observed; and
- Any additional control measures needed to comply with this permit's requirements.

4.3.4.4. Inspection findings shall be tracked to ensure inspections are conducted at a frequency consistent with the prioritization process required in Part 4.3.3.1.

4.3.5. The Co-Permittee shall ensure that all necessary follow up inspections and enforcement activities are conducted as necessary to require implementation and maintenance of all storm water control measures.

4.3.6. The Co-Permittee shall ensure that all staff whose primary job duties are implementing the industrial storm water program is trained annually, at a minimum, to conduct facility inspections. The training shall cover what is required under this permit in terms of storm water control measures, the requirements of the Multi-Sector General Permit for Discharges Associated with Industrial Activities or other related local requirements, the Co-Permittee's site inspection and documentation protocols, and enforcement procedures. Co-Permittees shall document and maintain records of the training provided and the staff the staff in attendance.

4.4. Sharing Responsibility

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

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

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

4.4.4. The other entity agrees to implement the control measure through a written agreement. This obligation shall be maintained as part of the description given in the Co-Permittee's SWMP document. If the other entity agrees to report on the minimum control measure, the Co-Permittee shall supply the other entity with the reporting requirements contained in Part 5.6. of this Permit. If the other entity fails to implement the control measure, then the Co-Permittee remains liable for any discharges due to that failure to implement.

4.5. Reviewing and Updating Storm Water Management Programs

4.5.1. Storm Water Management Program Review: All Co-Permittees shall conduct, at a minimum, an annual review of the SWMP document in conjunction with preparation of the annual report required in Part 5.6. This annual review shall include:

4.5.1.1. A review of the status of program implementation and compliance (or non-compliance) with the schedule of compliance contained in the SWMP;

4.5.1.2. A review of any revision or change of BMPs in the reporting year and assessment of the change or revision for effectiveness;

4.5.1.3. An overall assessment of the goals and direction of the SWMP and effectiveness of BMPs including an assessment of any SWMP modifications needed to comply with the Clean Water Act section 402(p)(3)(B)(iii) requirement to reduce the discharge of pollutants to the maximum extent practicable (MEP);

4.5.1.4. For Phase I Co-Permittee, Salt Lake County, a review of monitoring data, any changes in monitoring methods and parameters, considerations for how to change monitoring to improve information gathered from data, considerations about what kind of information is most useful for assessing storm water, and another look at what or how assessments can be made to track water quality as impacted by storm water.

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

4.5.2.1. Changes to the SWMP document may be made at any time provided written notification is submitted to the Division and subsequently approved by the Division.

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

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

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

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

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

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

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

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

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

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

5.2. General Monitoring and Sampling Requirements

5.2.1. **Wet Weather Monitoring**: Co-Permittees with jurisdictions within Phase I areas shall implement a wet weather monitoring program that is appended to this Permit in Appendix III. The program may be modified provided the modification (s) meets the requirements of this section and Part 1.6.4. The Co-Permittee shall meet the objectives of the monitoring program as listed below:

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

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

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

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

5.2.1.5. Identify water quality improvements or degradation.

5.2.2. Phase I Co-Permittee, Salt Lake County, shall select at least four monitoring locations. The four locations should serve to best characterize the purpose of the objective listed above and be representative of the area covered by the Permit and be within the Co-Permittee's jurisdiction.

5.2.2.1. The latest version of Salt Lake County's *Sampling Plan for Representative Storm Monitoring ("the sampling plan")* shall be placed in Appendix III within 90 days of issuance of this Permit. The *Sampling Plan for Representative Storm Monitoring* shall attempt to address monitoring of a representative storm for the area.

5.2.2.2. Phase I Co-Permittee, Salt Lake County, may modify the sampling plan and submit the modified plan for approval by the *Executive Secretary*. All modifications to the sampling plan shall be approved by the *Executive Secretary*.

5.2.2.3. The minimum monitoring to be conducted each year shall be a planned wet weather monitoring frequency of twice a year, subject to the occurrence of appropriate storm events. If the Co-Permittee is not able to accomplish the planned monitoring frequency the Co-Permittee shall submit detailed reasons and weather data showing why it was not possible.

5.2.2. **Dry Weather Screening:** Phase I Co-Permittee, Salt Lake County, shall continue its dry weather screening efforts and include the latest version of its *Sampling Plan for Dry Weather Screening* in Appendix III and submitted to the *Executive Secretary* within 90 days of issuance of this Permit.

5.2.2.1. The *Sampling Plan for Dry Weather Screening* shall include the screening methodology used for screening all outfalls of the MS4 at least once during the permit term. The inventory of outfalls and associated maps shall be kept current. Phase I Co-Permittee, Salt Lake County, must also comply with the requirements of Part 4.2.3.3.2 of this Permit and address 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.

5.2.3. Phase I Co-Permittee, Salt Lake County, shall at a minimum, annually train all staff involved with Wet Weather Monitoring and Dry Weather Screening. The Co-Permittee shall document and maintain records of the training provided and the staff in attendance.

5.3. Analytical Monitoring

Phase II Co-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:

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

5.3.2. 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.

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

5.4. Non-analytical Monitoring

5.4.1. 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.

5.5. Record keeping

5.5.1. Co-Permittees shall 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.

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

5.5.3. 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 Co-Permittee shall make modifications to these parts within a time frame specified by the *Division*.

5.5.4. The Co-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 from the date of the record. This period may be explicitly modified

by alternative provisions of this Permit or extended by request of the *Division* at any time.

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

5.6. Reporting

5.6.1. Each Co-Permittee shall submit an annual report to the Division by October 1 of each year of the Permit term using the report form provided on the Division's website.

5.6.2. In addition to the annual report forms, the following information shall also be included:

- Appendix I: Co-Permittee Identification and Accountability
- Appendix II: Current Storm Water Management Program (for each MS4 listed in Appendix I) which reflects any modifications as a result of the minimal annual review required in Part 4.5.1.).
- Appendix III: Storm Water Wet and Dry Weather Monitoring Plans as applicable
- The status and assessment of BMP implementation as stated in the SWMP and the assessment of effectiveness of BMPs.
- A summary of data collected for both wet weather and dry weather monitoring that is accumulated throughout the reporting year. The summary must include conclusions concerning what is shown by the data and how objectives of the permit are being or are not being met.

5.6.2.1. The Phase I Co-Permittee, Salt Lake County shall continue to submit a summary of five years of wet weather monitoring and assess trends and make conclusions (This timeframe takes into account the previous Permit conditions and reporting requirements, some of the data was required by the previous Permit term).

5.6.3. Each Co-Permittee shall sign and certify the annual report in accordance with Part 6.8.

5.6.4. 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

5.7. Legal Authority

Each Co-Permittee shall insure legal authority exists to control discharges to and from those portions the MS4 over which it has jurisdiction. This legal authority may be a combination of

statute, ordinance, Permit, contract, order or inter-jurisdictional agreements with co-applicants with existing legal authority to:

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

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

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

5.7.4. Control through interagency agreements among Co-Permittees the contribution of pollutants from one portion of the MS4 to another;

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

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

6.0 Standard Permit Conditions

6.1. Duty to Comply

The Permittee shall comply with all conditions of this Permit. Any Permit noncompliance constitutes a violation of the Act and is grounds for enforcement action; for Permit termination, revocation and reissuance, or modification; or for denial of a Permit renewal application. The Permittee shall give advance notice to the 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.* shall 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 shall be conducted according to test procedures approved under *40 CFR Part 136*, 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 shall be kept under the conditions of this Permit;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

7.30.3. which is not a combined sewer; and

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

7.44. "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.

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

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

7.47. "Waters of the State" means all streams, lakes, ponds, marshes, water-courses, waterways, wells, springs, irrigation systems, drainage systems, and all other bodies or accumulations of water, surface and underground, natural or artificial, public or private which are contained within, flow through, or border upon this state or any portion thereof, except bodies of water confined to and retained within the limits of private property, and which do not develop into or constitute a nuisance, or a public health hazard, or a menace to fish and wildlife which shall not be considered to be "Waters of the State" under this definition ("UAC" R317-1-1.32).