FACT SHEET / STATEMENT OF BASIS

JORDAN VALLEY MUNICIPALITIES STORM WATER PERMIT

PERMIT NUMBER UTS000001

1.0. Introduction

The Federal Clean Water Act requires that storm water discharges from certain types of facilities be authorized under storm water discharge Permits. (See 40 CFR 122.26.) The goal of the storm water Permits program is to reduce the amount of pollutants entering streams, lakes and rivers as a result of runoff from residential, commercial and industrial areas. The original 1990 regulation (**Phase I**) covered municipal (i.e., publicly-owned) storm sewer systems (MS4s) for municipalities over 100,000 population. The regulation was expanded in 1999 to include smaller municipalities as well. This expansion of the program to include small MS4s is referred to as **Phase II**. This Permit serves as a re-issuance or replacement of the previous Jordan Valley Municipalities Permit UTS000001, issued June 1, 2006. According to EPA guidance, each Permittee's original designation of Small or Medium-sized MS4 will remain the same for this renewed permit and associated permit cycle regardless of any increase or decrease in population. This Permit covers new or existing discharges composed entirely of storm water from both Phase I and Phase II Co-Permittees within Greater Salt Lake County.

2.0. Background

The State of Utah was granted primacy in the National Pollutant Discharge Elimination System (NPDES) program by USEPA in 1987. In Utah, storm water discharge Permits are issued by the Utah Department of Environmental Quality, Division of Water Quality (the "Division"). Utah's program is known as the Utah Pollutant Discharge Elimination System (UPDES) Program. The narrative requirements of this Permit are intended to reduce the discharge of pollutants to the maximum extent practicable (MEP) and meet water quality standards through the development and implementation of a Storm Water Management Program (SWMP). Both Phase I and Phase II Co-Permittees are required to develop and implement a SWMP which involves implementation of a variety of Best Management Practices (BMPs) to reduce the discharge of pollutants from the MS4. MEP is the standard that establishes the level of pollutant reductions that operators of regulated MS4s must achieve through implementation of BMPs included in their SWMPs. MEP has not been further defined by EPA, but is intended to be flexible to allow the development of site-specific permit conditions based on the best professional judgment of the permit writer. Storm Water Management Program requirements are the controls used in place of numeric limits to achieve a reduction of pollutants in the storm water discharge from small MS4s. A SWMP is comprised of six minimum control measures that must be developed and implemented. These measures include:

1) Public Education and Outreach
2) Public Involvement/Participation
3) Illicit Discharge Detection and Elimination
4) Construction Site Storm Water Runoff Control
5) Long-Term Storm Water Management in New Development and Redevelopment (Post-Construction Storm Water Management)
6) Pollution Prevention and Good Housekeeping for Municipal Operations

The Co-Permittees must develop a SWMP that meets the requirements of the six minimum measures and protects state waters from pollution, contamination, and/or degradation. The Permit allows the MS4 flexibility to determine appropriate BMPs to satisfy each of the six minimum control measures. The BMPs employed to reduce pollutants to the MEP may be different for each small MS4 given the unique local concerns that may exist and the different possible pollutant control strategies. The Division may evaluate the Co-Permittees' proposed storm water BMPs to determine if they meet the requirements of this Permit and if a reduction to the MEP can be achieved. Evaluation of the effectiveness of a SWMP and application of the MEP standard should be an iterative process. The standard of MEP and the necessary modifications to the SWMP should continually adapt to current conditions and BMP effectiveness. The Co-Permittees must continually assess the effectiveness of the current BMPs and expand or better tailor the BMPs to comply with this Permit and protect water quality, and to satisfy the appropriate water quality requirements of the *Utah Water Quality Act*.

3.0. Changes in the Jordan Valley Municipalities Permit

Application and Storm Water Management Program

This Permit serves as both a renewal Permit for those covered under the previous Permit as well as provides coverage for New Applicants. Renewal Co-Permittees should have fully implemented SWMPs that reflect the permit requirements of the previous permit cycle. Renewal Co-Permittees will have an additional 18 months from receiving coverage under this Permit to fully develop and implement the Permit requirements considered significant changes that are listed below. New applicants are given the full Permit term to implement a SWMP except where specific deadlines are indicated.

Renewal Permittees will have **120 days** from the effective date of this Permit to submit an updated SWMP in accordance with Part 2.3. of this Permit. New Applicants will have **180 days** from Division notification to submit a Notice of Intent (NOI) in accordance with Part 2.2. of this Permit and a Storm Water Management Program (SWMP).

The format of this Permit has been modified for ease of referencing specific citations. Basic requirements within each minimum control measure have changed very little although they have been expanded with more specific descriptions in order to clarify the intent of each minimum control measure. Thorough documentation of all BMPs has been emphasized throughout the Permit. Significant changes are listed below:

Storm Water Management Program Evaluation

As mentioned in Part 2.0 of this Statement of Basis, it is imperative that all Co-Permittees have an iterative process for evaluating the effectiveness of their SWMPs. Therefore, within 90 days after the effective date of this Permit, all Co-Permittees shall have an ongoing 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 as stated in Part 4.1.2. of the Permit.

All MS4 Permits require the development and implementation of a SWMP which contains the details of the implementation of Permit requirements. Therefore, provisions in the SWMP are enforceable as Permit requirements and should therefore be available for public review and

comment as described in Parts 4.2.2.2. and 4.2.2.3. Each Co-Permittee shall secure the resources necessary to meet all requirements of this permit as indicated in Part 4.1.2.2.

Illicit Discharge Detection and Elimination

Field assessment activities such as dry weather screening were a requirement of the previous Permit and continue to be a requirement in this Permit. This Permit additionally requires all Co-Permittees to implement a specific minimal inspection schedule for areas more likely to have illicit discharges, as indicated in 4.2.3.3.2. This schedule consists of inspecting at least **20 percent** of these priority areas within one year of receiving coverage under this Permit and continuing to assess an additional 20 percent each year thereafter for the Permit term as described in Part 4.2.3.3.2. This requirement is in addition to routine dry weather screening.

A specific requirement to publicly list and publicize a hotline or other local telephone number for public reporting of spills and other illicit discharges is indicated in Part 4.2.3.9.

Construction Site Storm Water Runoff Control

The previous Permit required Co-Permittees to develop and implement requirements for construction site operators to implement appropriate erosion and settlement control best management practices. This Permit further clarifies this requirement by stating that the Co-Permittees shall require construction operators to prepare a Storm Water Pollution Prevention Plan (SWPPP) as further described in Part 4.2.4.1.1. Part 4.2.4.3.1 requires the Co-Permittee to review these SWPPPs.

Part 4.2.4.5. requires training for MS4 staff in the fundamentals of erosion prevention and sediment control and in how to review SWPPPs.

The evaluation of opportunities for use of low impact design (LID) and green infrastructure, as well as the encouraged use where possible, is required to be incorporated into the SWPPP review process (Part 4.2.4.3.3). Although the terms "LID" and "Green Infrastructure" were not used in the previous permit, BMPs which could be considered as such were discussed in the Post-Construction minimum control measure of the previous permit and are also discussed in this Permit.

Monthly inspections of all new construction sites that disturb one acre or more, or are part of a common plan of development or sale, and biweekly inspections of priority construction sites defined in Part 4.2.4.3.4. are required.

The Construction Storm Water Inspection Form (Checklist) found on the Division's website at http://www.waterquality.utah.gov/UPDES/stormwatercon.htm is required to be used for construction site inspections (Part 4.2.4.4.1).

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

As of May 11, 2010, rainwater harvesting is now legal in the state of Utah. Therefore the harvest and use of storm water has been included in this minimum control measure, specifically Parts 4.2.5.3.2 and 4.2.5.3.3.

The ordinance or other regulatory mechanism must include a provision for both construction-phase inspection and post-construction access for Co-Permittees to inspect storm water BMPs on private properties that discharge to the MS4 as described in Part 4.2.5.5.1.

Retrofitting existing post-construction structural controls is addressed in Part 4.2.5.3.2.

Adequate training of all staff involved in permitting, planning, and review is required in 4.2.5.6.

SWPPPs are required to be reviewed for long-term storm water management measures (post-construction) prior to construction (Part 4.2.5.4.1).

Although long-term operation and maintenance was addressed in the previous permit, further detail has been provided in this Permit. Structural BMPs shall be inspected at least once during installation (Part 4.2.5.5.2), inspected annually by the Co-Permittees and maintained as necessary (4.2.5.5.3). The property owner/operator or third party may conduct an inspection in lieu of the Co-Permittee through a maintenance agreement and with annual certification provided by the owner/operator or third party (Part 4.2.5.5.1). If an owner/operator or third party conducts operation and maintenance, through a maintenance agreement, the Co-Permittee is required to verify and ensure proper maintenance of those structures at least once during the Permit term.

Pollution Prevention and Good Housekeeping for Municipal Operations

In April, 2010, EPA issued the "Municipal Separate Storm Sewer System Permit Improvement Guide" which contains much more descriptive requirements for the Pollution Prevention/Good Housekeeping Minimum Control Measure (MCM). Therefore, vehicle and equipment maintenance facilities covered under the Sector P MSGP will be covered under this reissued Jordan Valley Municipalities Storm Water Permit. The SWPPPs generated for compliance for the Sector P MSGP must be updated to reflect the requirements of this Permit.

Low impact development (LID) techniques should be considered for all new and redeveloped municipal facilities.

Co-Permittee-owned facilities have weekly, quarterly comprehensive, and quarterly visual inspection requirements (Part 4.2.6.6.).

All Co-Permittee-owned or operated storm water structural BMPs must be inspected annually to ensure that they are properly maintained to reduce the discharge of pollutants into receiving waters (Part 4.2.6.4.6).

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

The previous permit required the Phase I Co-Permittee, Salt Lake County, to implement a program to monitor pollutants in the runoff, identify priorities and procedures for inspections, implement an inspection schedule where industrial facilities are inspected a minimum of once during the life of the permit, establish and require implementation of BMP standards and control measures for storm water discharges from three groups of industrial or high risk facilities, provide a list of these facilities and their site locations and determine their UPDES industrial storm water permitting obligation. This Permit further describes these requirements which are also applied commercial sites.

Reporting

All Co-Permittees must submit an annual report to the Division by October 1 following each year of the Permit term. The report must be submitted using the report form provided on the Division's website, http://www.waterquality.utah.gov/UPDES/stormwatermun.htm.

Record Keeping

The Co-Permittees 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 as stated in Part 5.4.4. Some records, as in the case of common plans of development, may need to be retained longer than 5 years.

Permit Duration

As stated in UACR317-8-5.1(1), UPDES permits shall be effective for a fixed term not to exceed five (5) years. Therefore, this Permit will be set to expire in 2018, five years after the effective date of reissuance.

Public Notice and Public Comment Period

This Permit was announced in the *Salt Lake Tribune* and the *Deseret News* and also posted on the Utah Division of Water Quality's Public Notice website at http://www.waterquality.utah.gov/PublicNotices/index.htm.

Comments Received and DWQ Responses

Please refer to the Utah Division of Water Quality's website at http://www.waterquality.utah.gov/UPDES/stormwatermun.htm for the response to comments received from the public notice period.

The 30-day public notice began on March 27, 2013 and ended on April 25, 2013 with public comments received. The public notice was published in the Salt Lake Tribune and the Deseret News newspapers on March 27, 2013. Staff recommends issuance of the renewal permit with the minor modifications as noted in the response to comments.