

**STATE OF UTAH  
DEPARTMENT OF ENVIRONMENTAL QUALITY  
DIVISION OF WATER QUALITY  
SALT LAKE CITY, UTAH 84114-4870**

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

**Storm Water General Permit for  
Construction Activities**

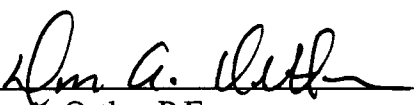
In compliance with the provisions of the *Utah Water Quality Act, Title 19, Chapter 5, Utah Code Annotated 1953*, as amended (the *Act*) except as provided in *Part I.B.3.* of this permit, operators of storm water discharges from construction activities anywhere within the State of Utah except Indian Lands, identified on a properly submitted Notice of Intent (NOI) form (see Addendum), are authorized to discharge from the construction site specified in the NOI, to waters of the State in accordance with the conditions and requirements set forth herein.

Only those operators of storm water discharges listed and identified in the properly submitted NOI are authorized under this general permit.

This permit shall become effective on October 1, 2002.

This permit and the authorization to discharge shall expire at midnight, September 30, 2007.

Signed this 18<sup>th</sup> day of September, 2002

  
Don A. Ostler, P.E.  
Executive Secretary  
Utah Water Quality Board

**TABLE OF CONTENTS**

**Permit No.: UTR100000**

Page No.

- I. PERMIT SCOPE AND COVERAGE ..... 1
  - A. Permit Area ..... 1
  - B. Eligibility ..... 1
  - C. Limitations on Coverage ..... 1
  - D. Authorization to Discharge. .... 2
  - E. Terminating Coverage. .... 3
  - F. Low Rainfall Erosivity Waiver for Small Construction Activity ..... 3
  
- II. SPECIAL CONDITIONS, MANAGEMENT PRACTICES, RESPONSIBILITIES, AND OTHER NON-NUMERIC LIMITATIONS ..... 4
  - A. Prohibition of non-storm water discharges. .... 4
  - B. Releases in excess of Reportable Quantities ..... 4
  - C. Spills ..... 5
  - D. Discharge Compliance with Water Quality Standards ..... 5
  - E. Identification and Responsibilities of Operator(s) ..... 5
  
- III. STORM WATER POLLUTION PREVENTION PLANS. .... 6
  - A. Deadlines for Plan Preparation and Compliance. .... 6
  - B. Signature and Plan Review and Making Plans Available. .... 6
  - C. Keeping Plans Current. .... 7
  - D. Contents of Plan. .... 7
  
- IV. RETENTION OF RECORDS ..... 14
  - A. Documents. .... 14
  - B. Accessibility. .... 14
  - C. Addresses. .... 14
  
- V. STANDARD PERMIT CONDITIONS ..... 15
  - A. Duty to Comply. .... 15
  - B. Continuation of the Expired General Permit. .... 15
  - C. Need to halt or reduce activity not a defense. .... 15
  - D. Duty to Mitigate. .... 15
  - E. Duty to Provide Information. .... 15
  - F. Other Information. .... 16
  - G. Signatory Requirements. .... 16
  - H. Penalties for Falsification of Reports. .... 17
  - I. Oil and Hazardous Substance Liability. .... 17
  - J. Property Rights. .... 17
  - K. Severability. .... 17
  - L. Requiring an Individual Permit or an Alternative General Permit. .... 17
  - M. State Laws. .... 18
  - N. Proper Operation and Maintenance. .... 18
  - O. Inspection and Entry. .... 18
  - P. Permit Actions. .... 19
  
- VI. REOPENER CLAUSE ..... 20
  - A. Reopener Due to Water Quality Impacts. .... 20
  - B. Reopener Guidelines. .... 20



## PART I

### Permit No.: UTR100000

#### I. PERMIT SCOPE AND COVERAGE

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

B. Eligibility

1. **This permit authorizes discharges** of storm water **from construction activities** as defined in *UAC R317-8-3.9(6)(d)10*. (construction activity which grades \$ five acres per common plan), *UAC R317-8-3.9(6)(e)1* (construction activity which grades \$ 1 acre and < five acres per common plan), and those construction site discharges designated by the *Executive Secretary* as needing a storm water permit under *UAC R317-8-3.9(6)(e)2.*, except for discharges identified under *Part I.C*. Any discharge authorized by a different UPDES permit may be commingled with discharges authorized by this permit.
2. **This permit also authorizes** storm water discharges from **support activities** related to a construction site (e.g. concrete or asphalt batch plants, equipment staging yards, material storage areas, etc.) from which there is a storm water discharge. **The permittee must assume responsibility to ensure proper storm water permit coverage for** storm water discharges from **support activities**. The support activity may be covered under a separate permit or under the conditions of this permit (pollution prevention plan requirements, see *Part III.*) if it is in accordance with *Part II.E* and provided it satisfies the following:
  - a. the **support activity is not** a commercial operation **servicing multiple unrelated construction projects**, and **does not operate beyond the completion** of the construction activity; and
  - b. appropriate **controls and measures are identified** in the storm water pollution prevention plan for the discharges from the support activity areas.

C. Limitations on Coverage. The following storm water discharges from construction sites are not authorized by this permit:

1. Post Construction Discharges. Storm water discharges that originate from the site after construction activities have been completed and the site has undergone final stabilization.
2. Discharges Mixed with Non-storm Water. Discharges that are mixed with sources of non-storm water other than discharges which are identified in *Part II.A.2 & 3* of this permit and in compliance with *Part III.D.5* (non-storm water discharges) of this permit.

---

<sup>1</sup> The State of Utah, *Division of Water Quality*, does not have permit authority for Indian lands. Storm water permits for Indian lands within the State must be acquired through EPA Region VIII, except for facilities on the Navajo Reservation or on the Goshute Reservation which must acquire storm water permits through EPA Region IX.

**PART I**  
**Permit No. UTR100000**

3. Discharges Covered by Another Permit. Storm water discharges associated with construction activity that have been issued an individual permit or are required to obtain coverage under an alternative general permit in accordance with *Part V.L.*;
4. Discharges Threatening Water Quality. Storm water discharges from construction sites that the *Executive Secretary* determines will cause, or have the reasonable potential to cause excursions above water quality standards. (Where such determinations have been made, the discharger will be notified by the *Executive Secretary* of additional requirements for treatment or handling of the discharge or that an individual permit application is necessary, see *Part II.D.*). The *Executive Secretary* may authorize coverage under this permit after appropriate controls and implementation procedures, designed to bring the discharges into compliance with water quality standards, have been included in the pollution prevention plan;

D. Authorization to Discharge.

1. Except as defined in number 4. of this section below, in order for storm water discharges from construction sites to be authorized to discharge under this general permit, a discharger must:
  - a. first **develop a Pollution Prevention Plan** (covering either the entire site or all portions of the site for which they are operators) according to the requirements in *Part III.* (preparation and implementation of the Plan may be a cooperative effort where there are more than one operators at a site), and then
  - b. **submit a notice of intent (NOI)** (prior to the commencement of construction activities, see paragraph 3 below) using the *NOI* form found in the addendum of this permit, or a photocopy thereof. The Pollution Prevention Plan (see *Part III.*) must be implemented upon commencement of construction activities. If construction activities has been permitted under previous storm water permit coverage before the reissuance of this permit, the permittee must submit a new *NOI* within ninety (90) days of the effective date of this permit in order to continue authorization to discharge. Permittees must continue to comply with the terms and conditions of the previous industrial general permit until covered by this permit. *NOIs* must be submitted to: the *Division of Water Quality (DWQ)* at PO Box 144870, Salt Lake City, Utah, 84114-4870.
  - c. **submit a permit fee**, the amount for which is determined by the current yearly State of Utah Appropriations Act.
2. Changing the Operator After Commencing. For construction sites where the operator changes or where a new operator is selected after the submittal of an *NOI*, a new *Notice of Intent (NOI)* form must be submitted with the proper corrections, prior to the change.
3. Permit Delay Time/Denial of Coverage. Unless notified by the *Executive Secretary* to the contrary, dischargers are authorized to discharge storm water from construction sites under the terms and conditions of this permit immediately after conditions in paragraphs 1 and/or 2 (above) are completed. The *Executive Secretary* may deny coverage under

## PART I

### Permit No.: UTR100000

this permit and require submittal of an application for an individual UPDES permit based on a review of the NOI or other information (see *Part V.L* of this permit).

4. Notice of Intent Waiver for Storm Water Discharges Associated with Small Construction Activity Located within a Phase I or Phase II MS4 Covered under a UPDES Municipal Storm Water Permit. As authorized by the *Executive Secretary* under authority of 40cfr122.28(b)(2)(v.) small construction sites as defined in *UAC R317-8-3.9(6)(e)1* which are located within the confines of a State permitted Municipal Separate Storm Sewer are waived from submitting a notice of intent for coverage under this permit. In this case the operator of a small construction site must comply with all local requirements for sediment and erosion control.
- E. Terminating Coverage.
1. Operators wishing to terminate coverage under this permit must submit a notice of termination (NOT) found in the addendum of this permit.
  2. All permittees must submit a NOT within thirty (30) days after completion of their construction activities and final stabilization of their portion of the site, or another operator taking over all of their responsibilities at the site. A permittee cannot submit an NOT without final stabilization unless another party has agreed to assume responsibility for final stabilization of the site. Appropriate enforcement actions may be taken for permit violations where a permittee submits a NOT but the permittee has not transferred operational control to another permittee or the site has not undergone final stabilization.
- F. Low Rainfall Erosivity Waiver for Small Construction Activities

A condition of low erosivity exists at a construction site when the construction activity will commence and reach final stabilization between January 1 and April 30 of the same year. Small construction activities include sites which will grade \$ 1 acre and < 5 acres per common plan (calculation to include all phases of development and areas of support activities.) If final stabilization is not achieved by April 30 then coverage under this general permit is required. If an operator of a small construction activity wishes to claim a waiver then an erosivity waiver certification form must be submitted to the State Division of Water Quality prior to the commencement of such activities.

Submission of the Erosivity Waiver Certification constitutes notice that the operator does not require permit authorization for its storm water discharges associated with construction activity in the State of Utah due to the existence of a condition of low erosivity potential at the site of grading. Submission of the form does not relieve the operator of permitting requirements for other regulated activities/discharges which may pertain to the construction activity (e.g. dewatering activities, process waste water discharges, non-storm water discharges, etc.)

An erosivity waiver certification form must be submitted for each small construction site qualifying for the waiver. By signing and submitting the form, the operator is certifying that conditions of low erosivity stated above will exist at the construction site.

II. SPECIAL CONDITIONS, MANAGEMENT PRACTICES, RESPONSIBILITIES, AND OTHER NON-NUMERIC LIMITATIONS

A. Prohibition of non-storm water discharges.

1. Except as provided in *Part I.B.* and *C.* and *Part II.A.2.* & *3.* (below) **all discharges** covered by this permit **shall be composed entirely of storm water.**
2. **Discharges** of material **other than storm water** that are **in compliance with a UPDES permit** (other than this permit) issued for that discharge **may be mixed** with discharges authorized by this permit.
3. **The following non-storm water discharges occurring at construction sites identified in the associated NOI's may be authorized** by this permit provided the non-storm water component of the discharge is in compliance with *Part III.D.5.*: discharges from fire fighting activities; fire hydrant flushings; waters used to wash vehicles or control dust in accordance with *Part III.D.2.c.(2)* (Off-site Tracking); potable water sources including waterline flushings; irrigation drainage; routine external building wash down which does not use detergents; pavement washwaters where spills or leaks of toxic or hazardous materials (including oils and fuels) have not occurred (unless all spilled material has been removed) and where detergents are not used; air conditioning condensate; springs; uncontaminated ground water; and foundation or footing drains where flows are not contaminated with process materials such as solvents.

B. Releases in excess of Reportable Quantities. The discharge of hazardous substances or oil in the storm water discharge(s) from a facility shall be prevented or minimized in accordance with the applicable storm water pollution prevention plan for the facility. This permit does not relieve the permittee of the reporting requirements of *40 CFR part 117*, *40 CFR 110*, and *40 CFR part 302*. Where a release containing a hazardous substance in an amount equal to or in excess of a reportable quantity established under either *40 CFR 117*, *40 CFR 110*, or *40 CFR 302*, occurs during a 24 hour period:

1. The permittee is required to **notify** the National Response Center (NRC) (**800-424-8802**) in accordance with the requirements of *40 CFR 117*, *40 CFR 110*, and *40 CFR 302* and the *Division of Water Quality (DWQ)* (**801-538-6146**; or the 24 hour *DWQ* answering service at **801-536-4123**) as soon as he or she has knowledge of the discharge;
2. **The permittee shall submit within 14 calendar days** of knowledge of the release **a written description of: the release** (including the type and estimate of the amount of material released), **the date** that such release occurred, **the circumstances** leading to the release, **the measures** taken and/or planned to be taken to cleanup the release, **and steps** to be taken to minimize the chance of future occurrences to the *Executive Secretary*; and
3. **The storm water pollution prevention plan** required under *Part IV* of this permit **must be modified within 14 calendar days** of knowledge of the release to provide a description of the release, the circumstances leading to the release, and the date of the release. In addition, the plan must be reviewed to identify measures to prevent the

## PART II

### Permit No.: UTR100000

reoccurrence of such releases and to respond to such releases, and the plan must be modified where appropriate.

- C. Spills. This permit does not authorize the discharge of hazardous substances or oil resulting from an on-site spill.
- D. Discharge Compliance with Water Quality Standards. Dischargers seeking coverage under this permit shall not be causing or have the reasonable potential to cause or contribute to a violation of a water quality standard. Where a discharge is already authorized under this permit and is later determined to cause or have the reasonable potential to cause or contribute to the violation of an applicable Water Quality Standard, the *Executive Secretary* will notify the operator of such violation(s) and the permittee shall take all necessary actions to ensure future discharges do not cause or contribute to the violation of a water quality standard and document these actions in the pollution prevention plan. If violations remain or re-occur, then coverage under this permit will be terminated by the *Executive Secretary* and an alternative permit may be issued or denied. Compliance with this requirement does not preclude any enforcement activity as provided by the *Water Quality Act* for the underlying violation.
- E. Identification and Responsibilities of Operator(s). The *DWQ* finds the owner, developer, or project instigator and controller (the entity responsible for obtaining funding, procuring initial contracts or agreements, selecting [or assuming the position of] a general contractor, and that has control over site specifications) as the ultimate party responsible for pursuing permit procurement and compliance responsibilities.
1. Avenues to satisfy permitting obligations.
    - a. The party responsible for obtaining a construction storm water permit may retain permit responsibility alone (or for any party that does not sign on as a co-permittee) and must:
      - (1) **specify conditions in a contract** or a binding agreement with the party(ies) selected to perform the actual construction that binds the party(ies) performing the construction activity to meet the conditions in the permit pertaining to their activities, and
      - (2) assume **all penalties and administrative procedures** for noncompliance enforcement.
    - b. The party responsible for obtaining a construction storm water permit may **require the party(ies)** performing construction activity affected by permit conditions **to sign as a co-permittee(s)** on the *NOI* for this permit, thus:
      - (1) placing culpability on each co-permittee to satisfy permit conditions pertaining to activities on the construction site concerning their portion of the construction activities.
      - (2) all penalties and administrative actions for noncompliance shall be directed at the culpable party(ies), or at the group as a whole if culpability is not clear.



III. STORM WATER POLLUTION PREVENTION PLANS.

A storm water pollution prevention plan shall be developed and implemented for each construction site covered by this permit. For more effective coordination of BMPs, a cooperative effort by the different parties involved in construction at a site is encouraged to prepare and participate in a comprehensive pollution prevention plan. Individual co-permittees (if any) at a site may, but are not required, to develop separate pollution prevention plans that cover only their portion of the project provided reference is made to other co-permittees at the site. Storm water pollution prevention plans shall be prepared in accordance with good engineering practices. It is recommended that the plan be signed by a Professional Engineer (P.E.) registered in the State. The plan shall identify potential sources of pollution which may reasonably be expected to affect the quality of storm water discharges from the construction site. The plan shall describe and ensure the implementation of practices which will be used to reduce the pollutants in storm water discharges associated with construction activity at the construction site and to assure compliance with the terms and conditions of this permit. Permittees must implement the applicable provisions of the storm water pollution prevention plan required under this part as a condition of this permit.

A. Deadlines for Plan Preparation and Compliance.

1. **The plan shall be completed prior to the submittal of an *NOI*** to be covered under this permit and updated as appropriate and warranted as per *Part III.C.*
2. **The plan shall provide for compliance** with the terms and schedule of the plan beginning **with the initiation of construction activities.**
3. **For permittees continuing permit coverage from an expired general storm water permit for construction activity**, the plan shall be modified to meet the conditions in this permit and it shall be implemented by ninety (90) days from the issuance of this permit.

B. Signature and Plan Review and Making Plans Available.

1. Plan Location. The plan shall be signed in accordance with *Part V.G*, and be retained on-site at the facility which generates the storm water discharge in accordance with *Part IV* (Retention of Records) of this permit. If the site is inactive or does not have an onsite location adequate to store the pollution prevention plan, the location of the plan, along with a contact phone number, shall be posted on site. Reasonable local access to the plan, during normal working hours, must be provided as described below.
2. Plan Availability. The permittee shall make plans available upon request to the *Executive Secretary*; other local agencies approving sediment and erosion plans, grading plans, or storm water management plans; interested members of the public; local government officials; or to the operators of a municipal separate storm sewer receiving discharges from the site. Viewing by the public shall be at reasonable times during regular business hours (advance notice by the public of the desire to view the plan may be required, not to exceed two working days). The permit does not require that free copies of the plan be provided to interested members of the public, only that they have access to view the document and copy it at their own expense. The copy of the plan required to be kept onsite (or locally available) must be made available to the *Executive Secretary* (or authorized representative) for review at the time of an onsite inspection.

## PART III

Permit No.: UTR100000

3. Compelled Revisions. The *Executive Secretary*, or authorized representative, may notify the permittee (co-permittees) at any time that the plan does not meet one or more of the minimum requirements of this *Part*. Such notification shall identify those provisions of the permit which are not being met by the plan, and identify which provisions of the plan require modifications in order to meet the minimum requirements of this *Part*. Within 7 days of such notification from the *Executive Secretary*, (or as otherwise provided by the *Executive Secretary*), or authorized representative, the permittee shall make the required changes to the plan and shall submit to the *Executive Secretary* a written certification that the changes have been made. The *Executive Secretary* may take appropriate enforcement action for the period of time the permittee was operating under a plan that did not meet the minimum requirements of the permit.
- C. Keeping Plans Current. The permittee shall amend the plan whenever:
1. there is a **change in design, construction, operation, or maintenance**, which has a significant effect on the discharge of pollutants to the waters of the State and which has not otherwise been addressed in the plan;
  2. **inspections or investigations** by site operators, local, state, or federal officials **indicate the storm water pollution prevention plan is** proving **ineffective** in eliminating or significantly minimizing pollutants from sources identified under *Part III.D.1* of this permit, or is otherwise not achieving the general objectives of controlling pollutants in storm water discharges associated with construction activity; and
  3. **a new contractor and/or subcontractor** will implement a measure of the storm water pollution prevention plan in order to identify their role and responsibility for the SWP3. Amendments to the plan may be reviewed by the *Executive Secretary* (or authorized representative) in the same manner as *Part III.B.2*.
- D. Contents of Plan. The storm water pollution prevention plan shall include the following items:
1. Site Description. Each plan shall provide a description of pollutant sources and other information as indicated:
    - a. **A description** of the nature of the construction activity;
    - b. **A description of** the intended **sequence of major activities** which disturb soils for major portions of the site (e.g. grubbing, excavation, grading, utilities, and infrastructure installation, etc.);
    - c. **Estimates of the total area** of the site and the total area of the site that is expected to be **disturbed** by excavation, grading, or other activities;
    - d. **An estimate of the runoff coefficient** of the site **after construction activities are completed** and existing data describing the soil or the quality of any discharge from the site;

- e. A general **location map** (e.g. portion of a city or county map or similar scale) and a site map indicating:
    - (1) drainage patterns and approximate slopes anticipated after major grading activities;
    - (2) areas of soil disturbance, and areas of no disturbance;
    - (3) the location of major structures and nonstructural controls identified in the plan;
    - (4) the location of areas where stabilization practices are expected to occur;
    - (5) surface waters (including wetlands); and
    - (6) locations where storm water is discharged to a surface water.
  - f. **A description of any discharge associated with industrial activity** other than construction (including storm water discharges from dedicated asphalt plants and dedicated concrete plants) covered by the permit; and the location of that activity.
  - g. **The name of the receiving water(s)**, and areal extent of wetland acreage at the site.
  - h. **A copy of the permit requirements** (may simply attach copy of permit language);
2. Controls. Each plan shall include a description of appropriate controls and measures that will be implemented during construction activity and while the site is unstablized. The plan must clearly describe for each major activity identified in *Part III.D.1.b*: a) appropriate control measures and the timing during the construction process that the measures will be implemented and b) which permittee is responsible for implementation (e.g., perimeter controls for one portion of the site will be installed by Contractor A after the clearing and grubbing necessary for installation of the measure, but before the clearing and grubbing for the remaining portions of the site. Perimeter controls will be actively maintained by Contractor B until final stabilization of those portions of the site upward of the perimeter control. Temporary perimeter controls will be removed by Owner after final stabilization). The description and implementation of controls shall address the following minimum components:
- a. Erosion and Sediment Controls.
    - (1) Short and Long Term Goals and Criteria:
      - (a) The construction-phase erosion and **sediment controls** should be **designed to retain sediment on site** to the maximum extent practicable.
      - (b) **All control measures must be properly selected, installed, and maintained** in accordance with the manufacturers specifications and good engineering practices. If periodic inspections or other information indicates a control has been used inappropriately, or incorrectly, the permittee must replace or modify the control for site situations.

**PART III**  
**Permit No.: UTR100000**

- (c) If sediments escapes the construction site, **off-site accumulations of sediment must be removed** at a frequency sufficient to minimize offsite impacts (e.g., fugitive sediment in street could be washed into storm sewers by the next rain and/or pose a safety hazard to users of public streets).
  - (d) **Sediment must be removed** from sediment traps or sedimentation ponds **when design capacity has been reduced by 50%**.
  - (e) **Litter, construction debris, and construction chemicals** exposed to storm water shall be picked up prior to anticipated storm events (e.g. forecasted by local weather reports), or otherwise **prevented from becoming a pollutant source for storm water discharges** (e.g. screening outfalls, picked up daily, etc.).
  - (f) offsite **material storage areas** (also including overburden and stockpiles of dirt, etc.) used solely by the permitted project are considered a part of the project and **shall be addressed in the pollution prevention plan.**
- (2) Stabilization Practices. A description of interim and permanent stabilization practices, including site-specific scheduling of the implementation of the practices. Site plans should ensure that existing vegetation is preserved where attainable and that disturbed portions of the site are stabilized. Stabilization practices may include: temporary seeding, permanent seeding, mulching, geotextiles, sod stabilization, vegetative buffer strips, protection of trees, preservation of mature vegetation, and other appropriate measures. Use of impervious surfaces for stabilization should be avoided. A record of the dates when major grading activities occur, when construction activities temporarily or permanently cease on a portion of the site, and when stabilization measures are initiated shall be included in the plan. Except as provided in *Parts III.D.2.a.(2)(a), (b), and (c)* below, stabilization measures shall be initiated as soon as practicable in portions of the site where construction activities have temporarily or permanently ceased, but in no case more than 14 days after the construction activity in that portion of the site has temporarily or permanently ceased.
- (a) **Where** the initiation of **stabilization** measures **by the 14th day** after construction activity temporary or permanently cease **is precluded by snow cover or frozen ground** conditions, stabilization measures shall be initiated as soon as practicable.
  - (b) **Where construction activity** on a portion of the site **is temporarily ceased, and** earth disturbing activities will be **resumed within 21 days**, temporary stabilization measures do not have to be initiated on that portion of site.

- (c) **In arid areas** (areas with an average annual rainfall of 0-10 inches), semi-arid areas (areas with an average annual rainfall of 10 to 20 inches), and areas experiencing droughts where the initiation of stabilization measures by the 14th day after construction activity has temporarily or permanently ceased is precluded by seasonal arid conditions, **stabilization measures shall be initiated as soon as practicable**.
- (3) **Structural Practices.** A description of structural practices to divert flows from exposed soils, store flows or otherwise limit runoff and the discharge of pollutants from exposed areas of the site to the degree attainable. Such practices may include silt fences, earth dikes, drainage swales, sediment traps, check dams, subsurface drains, pipe slope drains, level spreaders, storm drain inlet protection, rock outlet protection, reinforced soil retaining systems, gabions, and temporary or permanent sediment basins. Placement of structural practices in floodplains should be avoided to the degree attainable. The installation of these devices may be subject to *Section 404* of the CWA.
- (a) **10 Acre Sediment Basin Requirement.** Where attainable, for common drainage locations that serve areas with 10 or more acres disturbed at one time, the permittee shall provide a temporary (or permanent) sediment basin that provides storage for a 10 year, 24 hour storm event, a calculated volume of runoff for disturbed acres drained, or equivalent control measures, until final stabilization of the site. Where calculations are not performed, a sediment basin providing 3,600 cubic feet of storage per acre drained (a 1 inch storm event), or equivalent control measures, shall be provided where attainable until final stabilization of the site. The required sizing of the sediment basin does not include flows from offsite areas and flows from onsite areas that are either undisturbed or have undergone final stabilization where such flows are diverted around both the disturbed area and the sediment basin. In determining whether installing a sediment basin is attainable, the permittee may consider factors such as site soils, slope, available area on site, etc. For drainage locations which serve 10 or more disturbed acres at one time and where a temporary sediment basin or equivalent controls is not attainable, smaller sediment basins and/or sediment traps (with comparable storage) must be used, or;
- i) at a minimum, equivalent controls in silt fences, vegetative buffer strips, sod, mulch, geotextiles, stepped check dams, pipe slope drains or other sediment or erosion controls are required for all erodible areas, downslope boundaries of the construction area and side slope boundaries deemed appropriate as dictated by individual site conditions;
  - ii) it can be shown that site meteorological conditions does not warrant equivalent storage during the time period the 10-acres are destabilized (little or no chance of precipitation for the period of surface destabilization).

**PART III**  
**Permit No.: UTR100000**

- (b) Less Than 10 Acre BMP Requirement. For drainage locations serving less than 10 acres, sediment basins and/or sediment traps should be used. At a minimum, silt fences, vegetative buffer strips, or equivalent sediment controls are required for all downslope boundaries (and those sideslope boundaries deemed appropriate as dictated by individual site conditions) of the construction area unless a sediment basin providing storage for 3,600 cubic feet of storage per acre drained is provided.
- b. Storm Water Management. A description of measures that will be installed during the construction process to control pollutants in storm water discharges that will occur after construction operations have been completed. Structural measures should be placed on upland soils to the degree attainable. The installation of these devices may be subject to *Section 404* of the CWA. This permit only addresses the installation of storm water management measures, and not the ultimate operation and maintenance of such structures after the construction activities have been completed and the site has undergone final stabilization. Permittees are only responsible for the installation and maintenance of storm water management measures prior to final stabilization of the site, and are not responsible for maintenance after storm water discharges associated with construction activity have been eliminated from the site. However, post-construction storm water BMPs that discharge pollutants from point sources once construction is completed, may in themselves, need authorization under a separate UPDES permit.
  - (1) Such practices may include:
    - (a) storm water detention structures (including wet ponds);
    - (b) storm water retention structures;
    - (c) flow attenuation by use of open vegetated swales and natural depressions;
    - (d) infiltration of runoff onsite; and
    - (e) sequential systems (which combine several practices).

**The pollution prevention plan shall include an explanation of the technical basis used to select the practices to control pollution where flows exceed predevelopment levels.**

- (2) **Velocity dissipation devices shall be placed at discharge locations** and along the length of any outfall channel for the purpose of providing a non-erosive flow velocity from the structure to a water course **so that the natural physical and biological characteristics and functions are maintained and protected**. The objective is to minimize significant changes in the hydrological regime of the receiving water).
- c. Other Controls.
  - (1) Waste Disposal. No solid materials, including building materials, shall be discharged to waters of the State, except as authorized by a Federal CWA *Section 404* permit.

- (2) Off-site Tracking. Off-site vehicle tracking of sediments and the generation of dust shall be minimized.
  - (3) Septic, Waste, and Sanitary Sewer Disposal. The plan shall ensure and demonstrate compliance with applicable State and/or local waste disposal, sanitary sewer or septic system regulations.
  - (4) Exposure to Construction Materials. The plan shall include a narrative description of practices to reduce pollutants from construction related materials which are stored onsite including an inventory of construction materials (including waste materials), storage practices to minimize exposure of the materials to storm water, and spill prevention and response.
  - (5) Support Areas. A description of pollutant sources from areas other than construction (including storm water discharges from dedicated asphalt plants and dedicated concrete plants), and a description of controls and measures that will be implemented at those sites.
- d. Other Laws and Requirements.
- (1) Local Storm Water Control Requirements. This permit does not relieve the permittee from compliance with other laws effecting erosion and sediment control or requirements for the permanent storm water system. Where applicable, compliance efforts to these requirements should be reflected in the SWP3.
  - (2) Threatened or Endangered Species & Historic Properties. This permit does not relieve the permittee from compliance with Federal or State laws pertaining to threatened or endangered species or historic properties. Where applicable compliance efforts to these laws should be reflected in the SWP3
  - (3) Variance of Permit Requirements. Dischargers seeking alternative permit requirements shall submit an individual permit application in accordance with *Part V.L* of the permit at the address indicated in *Part IV.C* of this permit, along with a description of why requirements in approved State or local plans or permits, should not be applicable as a condition of a UPDES permit.
3. Maintenance. A description of procedures to ensure the timely maintenance of vegetation, erosion and sediment control measures and other protective measures identified in the site plan are maintained in good and effective operating condition. Maintenance needs identified in inspections or by other means shall be accomplished before the next anticipated storm event, or as necessary to maintain the continued effectiveness of storm water controls. If maintenance prior to the next anticipated storm event is impracticable, maintenance must be scheduled and accomplished as soon as practicable.
  4. Inspections. Qualified personnel (provided by the permittee) shall inspect disturbed areas of the construction site that have not been finally stabilized, areas used for storage of materials that are exposed to precipitation, structural control measures, and locations

**PART III**  
**Permit No.: UTR100000**

where vehicles enter or exit the site at least once every fourteen calendar days, before anticipated storm events (or series of storm events such as intermittent showers over one or more days) expected to cause a significant amount of runoff, and within 24 hours of the end of a storm that is 0.5 inches or greater. Where sites have been finally or temporarily stabilized, runoff is unlikely due to winter conditions (e.g. site covered with snow, ice, or frozen ground), or during seasonal arid periods in arid areas (areas with an average annual rainfall of 0-10 inches) and semi-arid areas (areas with an average annual rainfall of 10-20 inches) such inspection shall be conducted at least once every month.

- a. Points, Areas, BMPs, and Activities to be Inspected. Disturbed areas and areas used for storage of materials that are exposed to precipitation shall be inspected for evidence of, or the potential for, pollutants entering the drainage system. Erosion and sediment control measures identified in the plan shall be observed to ensure that they are operating correctly. Where discharge locations or points are accessible, they shall be inspected to ascertain whether erosion control measures are effective in preventing significant impacts to receiving waters. Locations where vehicles enter or exit the site shall be inspected for evidence of offsite sediment tracking.
  - b. Inspection Induced Plan Revisions. Based on the results of the inspection, the site description identified in the plan in accordance with *Part III.D.1* of this permit and pollution prevention measures identified in the plan in accordance with *Part III.D.2* of this permit shall be revised as appropriate, but in no case later than 7 calendar days following the inspection. Such modifications shall provide for timely implementation of any changes to the plan within 7 calendar days following the inspection.
  - c. Inspection Report. A report summarizing the scope of the inspection, name(s) and qualifications of personnel making the inspection, the date(s) of the inspection, major observations relating to the implementation of the storm water pollution prevention plan (including the location(s) of discharges of sediment or other pollutants from the site and of any control device that failed to operate as designed or proved inadequate for a particular location), and actions taken in accordance with *Part III.D.4.b* (above) of the permit shall be made and retained as part of the storm water pollution prevention plan for at least three years from the date that the site is finally stabilized. Such reports shall identify any incidents of non-compliance. Where a report does not identify any incidents of non-compliance, the report shall contain a certification that the facility is in compliance with the storm water pollution prevention plan and this permit. The report shall be signed in accordance with *Part V.G* of this permit.
5. Non-Storm Water Discharges - Except for flows from fire fighting activities, sources of non-storm water listed in *Part II.A.2 & 3.* of this permit that are combined with storm water discharges associated with industrial activity must be identified in the plan. The plan shall identify and ensure the implementation of appropriate pollution prevention measures for the non-storm water component(s) of the discharge.



IV. RETENTION OF RECORDS

- A. Documents. The permittee shall retain copies of storm water pollution prevention plans and all reports required by this permit, and records of all data used to complete the *Notice of Intent* to be covered by this permit, for a period of at least three years from the date that the site is finally stabilized. This period may be extended by request of the *Executive Secretary* at any time.
- B. Accessibility. The permittee shall retain a copy of the storm water pollution prevention plan required by this permit (including a copy of the permit language) at the construction site (or other local location accessible to the *Executive Secretary* and the public) from the date of project initiation to the date of final stabilization. The permittees with day to day operational control over pollution prevention plan implementation shall have a copy of the plan available at a central location onsite for the use of all operators and those identified as having responsibilities under the plan whenever they are on the construction site.
- C. Addresses. All written correspondence under this permit shall be directed to the *Division of Water Quality* at the following addresses:

Department of Environmental Quality  
Division of Water Quality  
288 North 1460 West  
PO Box 144870  
Salt Lake City, Utah 84114-4870

## PART V

### Permit No.: UTR100000

#### V. STANDARD PERMIT CONDITIONS

##### A. Duty to Comply.

1. The permittee must comply with all conditions of this permit. Any permit noncompliance constitutes a violation of the *Act* and is grounds for enforcement action; for permit termination, revocation and reissuance, or modification; or for denial of a permit renewal application.

##### 2. Penalties for Violations of Permit Conditions.

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

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

c. False Statements. The *Act* provides that any person who knowingly makes any false material statement, representation, or certification in any application, record, report, plan, or other document filed or required to be maintained under the *Act* or who knowingly falsifies, tampers with, or renders inaccurate, any monitoring device or method required to be maintained under the *Act* shall upon conviction, be punished by a fine of not more than \$10,000 or by imprisonment by 6 months, or by both.

B. Continuation of the Expired General Permit. This permit, expires on September 30, 2007. However, an expired general permit may continue in force and effect after the expiration date until a new permit is issued if a timely reapplication is made for the new permit (*UAC R317-8-3.1(1)(d)*). If this permit is not renewed by the *Division of Water Quality*, for some reason, the *Executive Secretary* will notify the permittee and provide instructions concerning how to stay in compliance with the the *Utah Water Quality Act* and the *Utah Wastewater Rules (UAC R317-8)* with the discharge(s) that is(are) covered by this permit.

C. Need to halt or reduce activity not a defense. It shall not be a defense for a permittee in an enforcement action that it would have been necessary to halt or reduce the permitted activity in order to maintain compliance with the conditions of this permit.

D. Duty to Mitigate. The permittee shall take all reasonable steps to minimize or prevent any discharge in violation of this permit which has a reasonable likelihood of adversely affecting human health or the environment.

E. Duty to Provide Information. The permittee shall furnish to the *Executive Secretary* or an authorized representative any information which is requested to determine compliance with this permit or other information.

- F. Other Information. When the permittee becomes aware that he or she failed to submit any relevant facts or submitted incorrect information in the *Notice of Intent* or in any other report to the *Executive Secretary*, he or she shall promptly submit such facts or information.
- G. Signatory Requirements. All *Notices of Intent*, storm water pollution prevention plans, reports, certifications or information either submitted to the *Executive Secretary* or the operator of a large or medium municipal separate storm sewer system, or that this permit requires be maintained by the permittee, shall be signed as follows:
1. All Notices of Intent shall be signed as follows:
    - a. For a corporation: by a responsible corporate officer. For the purpose of this section, a responsible corporate officer means: a president, secretary, treasurer, or vice-president of the corporation in charge of a principal business function, or any other person who performs similar policy or decision-making functions for the corporation; or the manager of one or more manufacturing, production or operating facilities employing more than 250 persons or having gross annual sales or expenditures exceeding \$25,000,000 (in second-quarter 1980 dollars) if authority to sign documents has been assigned or delegated to the manager in accordance with corporate procedures;
    - b. For a partnership or sole proprietorship: by a general partner or the proprietor, respectively; or
    - c. For a municipality, State, Federal, or other public agency: by either a principal executive officer or ranking elected official. For purposes of this section, a principal executive officer of a Federal agency includes (1) the chief executive officer of the agency, or (2) a senior executive officer having responsibility for the overall operations of a principal geographic unit of the agency (e.g. Regional Administrators of EPA).
  2. All reports required by the permit and other information requested by the *Executive Secretary* or by an authorized representative of the *Executive Secretary* shall be signed by a person described above or by a duly authorized representative of that person. A person is a duly authorized representative only if:
    - a. The authorization is made in writing by a person described above and submitted to the *Executive Secretary*.
    - b. The authorization specifies either an individual or a position having responsibility for overall operation of the regulated facility or activity, such as the position of manager, operator, superintendent, or position of equivalent responsibility or an individual or position having overall responsibility for environmental matters for the company. (A duly authorized representative may thus be either a named individual or any individual occupying a named position).
    - c. Changes to authorization. If an authorization under *Part I.D.1.* is no longer accurate because a different operator has responsibility for the overall operation of the construction site, a new notice of intent satisfying the requirements of *Part I.D.*

## PART V

### Permit No.: UTR100000

must be submitted to the *Executive Secretary* prior to or together with any reports, information, or applications to be signed by an authorized representative.

- d. Certification. Any person signing documents under *Part V.G.* shall make the following certification:

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

- H. Penalties for Falsification of Reports. The "*Act*" provides that any person who knowingly makes any false material statement, representation, or certification in any record or other document submitted or required to be maintained under this permit, including reports of compliance or noncompliance shall, upon conviction be punished by a fine of not more than \$10,000 per violation, or by imprisonment for not more than six months, or by both.
- I. 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*".
- J. Property Rights. The issuance of this permit does not convey any property rights of any sort, nor any exclusive privileges, nor does it authorize any injury to private property nor any invasion of personal rights, nor any infringement of Federal, State or local laws or regulations.
- K. 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.
- L. Requiring an Individual Permit or an Alternative General Permit.
1. The *Executive Secretary* may require any person authorized by this permit to apply for and/or obtain either an individual *UPDES* permit or an alternative *UPDES* general permit. Any interested person may petition the *Executive Secretary* to take action under this paragraph. Where the *Executive Secretary* requires a discharger authorized to discharge under this permit to apply for an individual *UPDES* permit, the *Executive Secretary* shall notify the discharger in writing that a permit application is required. This notification shall include a brief statement of the reasons for this decision, an application form, a statement setting a deadline for the discharger to file the application, and a statement that on the effective date of issuance or denial of the individual *UPDES* permit or the alternative general permit as it applies to the individual permittee, coverage under this general permit shall automatically terminate. Applications shall be submitted to the address of the *Division of Water Quality* shown in *Part IV.C* of this permit. The *Executive Secretary*

may grant additional time to submit the application upon request of the applicant. If a discharger fails to submit in a timely manner an individual *UPDES* permit application as required by the *Executive Secretary* under this paragraph, then the applicability of this permit to the individual *UPDES* permittee is automatically terminated at the end of the day specified for application submittal.

2. Any discharger authorized by this permit may request to be excluded from the coverage of this permit by applying for an individual permit. In such cases, the permittee shall submit an individual application in accordance with the requirements of *Utah Administrative Code ("UAC") R317-8-3.9(2)(b)2* with reasons supporting the request, to the *Executive Secretary* at the address for the *Division of Water Quality in Part IV.C* of this permit. The request may be granted by issuance of any individual permit or an alternative general permit if the reasons cited by the permittee are adequate to support the request.
3. When an individual *UPDES* permit is issued to a discharger otherwise subject to this permit, or the discharger is authorized to discharge under an alternative *UPDES* general permit, the applicability of this permit to the individual *UPDES* permittee is automatically terminated on the effective date of the individual permit or the date of authorization for coverage under the alternative general permit, whichever the case may be. When an individual *UPDES* permit is denied to a discharger otherwise subject to this permit, or the discharger is denied for coverage under an alternative *UPDES* general permit, the applicability of this permit to the individual *UPDES* permittee is automatically terminated on the date of such denial, unless otherwise specified by the *Executive Secretary*.

M. State Laws.

1. Nothing in this permit shall be construed to preclude the institution of any legal action or relieve the permittee from any responsibilities, liabilities, or penalties established pursuant to any applicable State law or regulation under authority preserved by *UCA 19-5-117*.
2. No condition of this permit shall release the permittee from any responsibility or requirements under other environmental statutes or regulations.

N. 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 storm water pollution prevention plans. Proper operation and maintenance also includes adequate laboratory controls and appropriate quality assurance procedures. Proper operation and maintenance requires the operation of backup or auxiliary facilities or similar systems, installed by a permittee only when necessary to achieve compliance with the conditions of the permit.

O. Inspection and Entry. The permittee shall allow the *Executive Secretary* or an authorized representative upon the presentation of credentials and other documents as may be required by law, to:

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

**PART V**

**Permit No.: UTR100000**

2. Have access to and copy at reasonable times, any records that must be kept under the conditions of this permit; and
  3. Inspect at reasonable times any facilities or equipment (including monitoring and control equipment).
- P. Permit Actions. This permit may be modified, revoked and reissued, or terminated for cause. The filing of a request by the permittee for a permit modification, revocation and reissuance, or termination, or a notification of planned changes or anticipated noncompliance does not stay any permit condition.

VI. REOPENER CLAUSE.

- A. Reopener Due to Water Quality Impacts. If there is evidence indicating that the storm water discharges authorized by this permit cause, have the reasonable potential to cause or contribute to, a violation of a water quality standard, the discharger may be required to obtain an individual permit or an alternative general permit in accordance with *Part V.L* of this permit or the permit may be modified to include different limitations and/or requirements.
  
- B. Reopener Guidelines. Permit modification or revocation will be conducted according to *UAC R317-8-5.6* and *UAC R317-8-6.2*.

**PART VII**  
**Permit No. UTR1000000**

VII. DEFINITIONS

- A. Definitions related to this permit and construction activity.
1. "Act" means the *"Utah Water Quality Act"*
  2. "Best Management Practices" ("BMPs") means schedules of activities, prohibitions of practices, maintenance procedures, and other management practices to prevent or reduce the pollution of waters of the State. BMPs also include treatment requirements, operating procedures, and practices to control plant site runoff, spillage or leaks, sludge or waste disposal, or drainage from raw material storage.
  3. "Commencement of Construction" means the initial disturbance of soils associated with clearing, grading, or excavating activities or other construction activities.
  4. "Control Measure" as used in this permit, refers to any Best Management Practice or other method used to prevent or reduce the discharge of pollutants to waters of the State.
  5. "CWA" means *Clean Water Act* or the *Federal Water Pollution Control Act*.
  6. "Dedicated portable asphalt plant" means a portable asphalt plant that is located on or contiguous to a construction site and that provides asphalt only to the construction site that the plant is located on or adjacent to.
  7. "Dedicated portable concrete plant" means a portable concrete plant that is located on or contiguous to a construction site and that provides concrete only to the construction site that the plant is located on or adjacent to.
  8. "Dedicated sand or gravel operation" means an operation that produces sand and/or gravel for a single construction project.
  9. "Discharge of Storm Water Associated with Construction Activity" as used in this permit, refers to storm water "point source" discharges from areas where soil disturbing activities (e.g. clearing, grading, or excavating, etc.), construction material or equipment activities (e.g. fill piles, concrete truck washout, fueling, etc.), or other industrial storm water directly related to the construction process (e.g. concrete or asphalt batch plants, etc.) are located.
  10. "EPA" means the United States Environmental Protection Agency.
  11. "Executive Secretary" means *Executive Secretary of the Utah Water Quality Board*.
  12. "Final Stabilization" means that all soil disturbing activities at the site have been completed, and that a uniform (e.g. evenly distributed, without large bare areas) perennial vegetative cover with a density of 70% of the native background vegetative cover for the area has been established on all unpaved areas and areas not covered by permanent structures, or equivalent permanent stabilization measures (such as the use of riprap, gabions, or geotextiles) have been employed. In some parts of the country, background native vegetation will cover less than 100% of the ground (e.g. arid areas). Establishing at least 70% of the natural cover of native vegetation meets the vegetative cover criteria for final



stabilization. For example, if the native vegetation covers 50% of the ground, 70% of 50% would require 35% total cover for final stabilization.

13. "Large and Medium municipal separate storm sewer system" means all municipal separate storm sewers that are either:
  - a. located in an incorporated place (city) with a population of 100,000 or more as determined by the latest Decennial Census by the Bureau of Census; or
  - b. located in the counties with unincorporated urbanized populations of 100,000 or more, except municipal separate storm sewer that are located in the incorporated places, townships or towns within such counties ; or
  - c. owned or operated by a municipality other than those described in paragraph a. or b. (above) and that are designated by the *Executive Secretary* as part of the large or medium municipal separate storm sewer system.
14. "NOI" means notice of intent to be covered by this permit (see the *Addendum* to this permit).
15. "NOT" means notice of termination (see the *Addendum* to this permit).
16. "Point Source" means any discernible, confined, and discrete conveyance, including but not limited to, any pipe, ditch, channel, tunnel, conduit, well, discrete fissure, container, rolling stock, concentrated animal feeding operation, landfill leachate collection system, vessel or other floating craft from which pollutants are or may be discharged. This term does not include return flows from irrigated agriculture or agricultural storm water runoff.
17. "Runoff coefficient" means the fraction of total rainfall that will appear at a conveyance as runoff.
18. "Small Construction Activity" means all construction activities including clearing and grading that result in land disturbance of equal to or greater than one acre and less than five acres. Small construction activity also includes the disturbance of less than one acre of total land area that is part of a larger common plan of development or sale if the larger common plan will ultimately disturb equal to or greater than one and less than five acres.
19. "Small Municipal Separate Storm Sewer System refers to all separate storm sewers that are owned or operated by the United States, a State, city, town, county, district, association, or other public body having jurisdiction over disposal of sewage, industrial wastes, storm water, or other wastes, including special districts under State law such as a sewer districts, flood control districts or drainage districts, or similar entity that discharges to waters of the State, but are not defined as "large" or "medium" municipal separate storm sewer systems.
20. "Storm water" means storm water runoff, snow melt runoff, and surface runoff and drainage.

## **PART VII**

### **Permit No. UTR1000000**

21. "Storm water discharge associated with industrial activity" is defined in the *Utah Administrative Code* ("UAC") R317-8-3.9(6)(c) & (d) and incorporated here by reference. Most relevant to this permit is "UAC" R317-8-3.9(6)(d)10, which relates to construction activity including clearing, grading and excavation activities.
22. "SWP3" means storm water pollution prevention plan, referring to the plan required in the permit *Part III*.
23. "Waters of the State" means all streams, lakes, ponds, marshes, water-courses, waterways, wells, springs, irrigation systems, drainage systems, and all other bodies or accumulations of water, surface and underground, natural or artificial, public or private, which are contained within, flow through, or border upon this state or any portion thereof, except that bodies of water confined to and retained within the limits of private property, and which do not develop into or constitute a nuisance, or a public health hazard, or a menace to fish and wildlife, shall not be considered to be "waters of the state" under this definition ("UAC" R317-1-1.32).
24. "Waste pile" means any noncontainerized accumulation of solid, nonflowing waste that is used for treatment or storage.

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

**NOT**

Notice of Termination (NOT) for Storm Water Discharges Associated with **Construction Activity** Under the UPDES General Permit No. UTR100000. **SEE REVERSE FOR INSTRUCTIONS**

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

**I. Permit Information**

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

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

**II. Facility Operator Information**

Name: \* \* \* \* \* Phone: \* \* \* \* \*

Address: \* \* \* \* \*

City: \* \* \* \* \* State: \* \* \* Zip: \* \* \* \*- \* \* \* \*

**III. Facility Site/Location Information**

Name: \* \* \* \* \*

Address: \* \* \* \* \* County: \* \* \* \* \*

City: \* \* \* \* \* State: \* \* \* Zip: \* \* \* \*- \* \* \* \*

Latitude: \* \* \* \* \* Longitude: \* \* \* \* \*

**IV. Certification:** I certify under penalty of law that either: a) all storm water discharges associated with construction activity from the portion of the identified facility where I was an operator have ceased or have been eliminated or b) I am no longer an operator at the construction site and a new operator has assumed operational control for those portions of the construction site where I previously had operational control. I understand that by submitting this notice of termination, I am no longer authorized to discharge storm water associated with construction activity under this general permit, and that discharging pollutants in storm water associated with construction activity to waters of the State is unlawful under the State of Utah Water Quality Act where the discharge is not authorized by a UPDES permit. I also understand that the submittal of this notice of termination does not release an operator from liability for any violations of this permit or the Water Quality Act.

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

Signature: \_\_\_\_\_

Instructions for Completing Notice of Termination (NOT) Form

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

Permittees who are presently covered under the State issued Utah Pollutant Discharge Elimination System (UPDES) General Storm Water Permit for Construction Activity may submit a notice of termination (NOT) form when their facilities no longer have any storm water discharges associated with industrial activity as defined in the storm water regulations at UAC R317-8-3.9(b)(c) and (d), or when they are no longer the operator of the facilities.

For construction activities, elimination of all storm water discharges associated with industrial activity occurs when disturbed soils at the construction site have been finally stabilized and temporary erosion and sediment control measures have been removed or will be removed at an appropriate time, or that all storm water discharges associated with construction activity from the construction site that are authorized by a UPDES general permit have otherwise been eliminated. Final stabilization means that all soil-disturbing activities at the site have been completed, and that a uniform perennial vegetative cover with a density of 70% of the cover for unpaved areas and areas not covered by permanent structures has been established, or equivalent permanent stabilization measures (such as the use of riprap, gabions, or geotextiles) have been employed.

**Where to File NOT Form**

Send this form to the following address:

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

**Completing the Form**

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

**Section I - Permit Information**

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

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

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

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

**Section II - Facility Operator Information**

There may be more than one operator for a construction project. This form must be filled out and submitted by each of the operators listed on the notice of intent (NOI) that was submitted for receiving coverage under this permit. In this section give the legal name of the person, firm, public organization, or any other entity that is filed as an operator at the facility or site described in this application that is desiring to terminate coverage. The name of the operator may or may not be the same name as the facility. The operator of the facility is the legal entity which controls the facility's operation (referring to operation of construction activity) or a portion of it, rather than the plant or site manager of the finished or rehabilitated facility. Do not use a colloquial name. Enter the complete address and telephone number of the operator.

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

Enter the facility's or site's official or legal name and complete address, including city, state and ZIP code and the latitude and longitude of the facility to the nearest 15 seconds of the approximate center of the site. It is preferred that the location address be the same as that which the site used in the submission of the NOI.

**Section IV - Certification**

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

*For a corporation:* by a responsible corporate officer, which means: (i) president, secretary, treasurer, or vice-president of the corporation in charge of a principal business function, or any other person who performs similar policy or decision making functions, or (ii) the manager of one or more manufacturing, production, or operating facilities employing more than 250 persons or having gross annual sales or expenditures exceeding \$25 million (in second-quarter 1980 dollars), if authority to sign documents has been assigned or delegated to the manager in accordance with corporate procedures;

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

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

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

**NOI**

Notice of Intent (NOI) for Storm Water Discharges Associated with **Construction Activity** Under the UPDES General Permit No. UTR100000. **SEE REVERSE FOR INSTRUCTIONS**

Submission of this Notice of Intent constitutes notice that the party(s) identified in Section I of this form intends to be authorized by UPDES General Permit No. UTR100000 issued for storm water discharges associated with construction activity in the State of Utah. Becoming a permittee obligates such discharger to comply with the terms and conditions of the permit. ALL NECESSARY INFORMATION MUST BE PROVIDED ON THIS FORM.

I. OPERATOR INFORMATION

Name (Main operator): \* \* \* \* \* Phone: \* \* \* \* \*

Address: \* \* \* \* \* Status of Owner/Operator: **G**

City: \* \* \* \* \* State: \* \* \* \* Zip: \* \* \* \* \*

Contact Person: \* \* \* \* \* Phone: \* \* \* \* \*

Name (1st Co-permittee): \* \* \* \* \* Phone: \* \* \* \* \*

Address: \* \* \* \* \* Status of Owner/Operator: **G**

City: \* \* \* \* \* State: \* \* \* \* Zip: \* \* \* \* \*

Contact Person: \* \* \* \* \* Phone: \* \* \* \* \*

Name (2nd Co-permittee): \* \* \* \* \* Phone: \* \* \* \* \*

Address: \* \* \* \* \* Status of Owner/Operator: **G**

City: \* \* \* \* \* State: \* \* \* \* Zip: \* \* \* \* \*

Contact Person: \* \* \* \* \* Phone: \* \* \* \* \*

Name (3rd Co-permittee): \* \* \* \* \* Phone: \* \* \* \* \*

Address: \* \* \* \* \* Status of Owner/Operator: **G**

City: \* \* \* \* \* State: \* \* \* \* Zip: \* \* \* \* \*

Contact Person: \* \* \* \* \* Phone: \* \* \* \* \*

Please copy this form if you have more co-permittees than what is allowed on this form.

II. FACILITY SITE / LOCATION INFORMATION

Name: \* \* \* \* \*

Project No. (if any): \* \* \* \* \*

Address: \* \* \* \* \* County: \* \* \* \* \*

City: \* \* \* \* \* State: \* \* \* \* Zip: \* \* \* \* \*

Latitude: \* \* \* \* \* Longitude: \* \* \* \* \*

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

**Notice Of Intent (NOI) For Covered Under the UPDES General Permit  
Storm Water Discharges From Construction Activities**

**Who Must File A Notice Of Intent (NOI) Form**

State law at UAC R317-8-3.9 prohibits point source discharges of storm water from construction activities to a water body(ies) of the State without a Utah Pollutant Discharge Elimination System (UPDES) permit. The operator of a construction activity that has such a storm water discharge must submit a NOI to obtain coverage under the UPDES Storm Water General Permit. If you have questions about whether you need a permit under the UPDES Storm Water program, or if you need information as to whether a particular program is administered by EPA or a state agency, contact the storm water coordinator at (801) 538-6146.

**Where To File NOI Form**

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

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

**Completing The NOI Form**

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

**Beginning of Coverage**

Storm Water General Permits cover a facility quickly avoiding delays, therefore coverage is immediate after NOI with submission of the permit fee. The permittee should be aware that though you may not have a permit in hand, if you have sent in a completed NOI with the permit fee you are covered by the conditions in the permit and will be expected to comply with these conditions. If you wish, contact the Division of Water Quality at (801) 538-6146 to receive a generic copy of the permit. After we receive the NOI and the permit fee we will send you an official copy of the permit with your permit number.

**Permit Fees (MAKE CHECKS PAYABLE TO: DIVISION OF WATER QUALITY)**

Construction projects are prorated from the time they begin disturbing ground until the time the disturbed surface is stabilized, and the permit is terminated by the permittee with a submittal of a Notice of Termination (NOT) form. Fees are prorated at \$8.34 per month of coverage needed, except a \$50 minimum and a \$500.00 maximum. **EXAMPLE: if you need 5 months of coverage: 5 x \$8.34 = \$41.70, then you will need to submit the \$50 minimum, if 18 months of coverage is needed: 18 x \$8.34 = \$150.12, your total fee will be \$150.12.** The \$500.00 maximum will provide permit coverage for five years and then expire at the end of the five year period. State or local political subdivisions are exempt from the permit fee. The fee must be received with the NOI before permit coverage is given.

**General**

Facilities within Salt Lake City or Salt Lake County must contact the city or county and notify them of the new permit status for the facility.

**SECTION I - FACILITY OPERATOR INFORMATION**

Give the legal name(s) of the person(s), firm(s), public organization(s), or any other entity(ies) that conducts the construction operation at the facility or site described in this application. The name of the operator(s) may be the developer, the owner, the general contractor, the design firm, the excavation contractor and/or others (e.g. anyone that fits the definition of operator). An operator is anyone that has control over site/project specifications and/or control of day to day operational activities. Do not use a colloquial name. Enter the complete address and telephone number of the operator(s).

Enter the appropriate letter to indicate the legal status of the operator of the facility.

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

**SECTION II - FACILITY/SITE LOCATION INFORMATION**

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

Indicate whether the facility is located on Indian Lands.

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

**SECTION III - SITE ACTIVITY INFORMATION**

If the storm water discharges to a municipal separate storm sewer system (MS4), enter the name of the operator of the MS4 (e.g., municipality name, county name) and the receiving water of

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

**SECTION IV - TYPE OF CONSTRUCTION**

Check each type of construction that applies to this application.

**SECTION V - MANAGEMENT PRACTICES**

Check each type of management practices that will be used to control storm water runoff at the job site.

**SECTION VI - ADDITIONAL INFORMATION REQUIRED**

Enter the project start date and the estimated completion date for the entire development plan.

Provide an estimate of the total number of acres of the site on which soil will be disturbed (round to the nearest acre).

Indicate whether the storm water pollution prevention plan for the site is in compliance with approved state and/or local sediment and erosion plans, permits, or storm water management plans.

**SECTION VII - CERTIFICATION**

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

*For a corporation:* by a responsible corporate officer, which means: (I) president, secretary, treasurer, or vice-president of the corporation in charge of a principal business function, or any other person who performs similar policy or decision making functions, or (ii) the manager of one or more manufacturing, production, or operating facilities employing more than 250 persons or having gross annual sales or expenditures exceeding \$25 million (in second quarter 1980 dollars), if authority to sign documents has been assigned or delegated to the manager in accordance with corporate procedures;

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

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

**POLLUTION PREVENTION PLAN**

A storm water pollution prevention plan (SWP3) is required to be in hand before the NOI can be submitted. It is important to know SWP3 requirements (contained in the permit) even during the design portion of the project. A copy of the permit can be obtained from the Division of Water Quality. Guidance material for developing a SWP3 can be obtained from EPA (NTIS) or copied from EPA material at the Division of Water Quality.

**NOTICE OF TERMINATION (NOT)**

A completed Notice of Termination (NOT) form is required to terminate your permit at the end of construction. Please complete the NOT form, including the project's assigned permit number, and return it to the Division of Water Quality. Please contact the storm water coordinator at (801) 538-6146 for any questions or for a copy of the NOT form.

10/30/97

III. SITE ACTIVITY INFORMATION

Municipal Separate Storm Sewer System (MS4) Operator Name: \*\*\*\*\*

Receiving Water Body: \*\*\*\*\*

How far to the nearest water body? \*\*\*\*\* ft. miles. (circle one)

List the Number of any other UPDES permits at the site: \*\*\*\*\*

IV. TYPE OF CONSTRUCTION (Check all that apply)

- 1. G Residential 2. G Commercial 3. G Industrial 4. G Road 5. G Bridge 6. G Utility 7. G Contouring, Landscaping
8. G Other (Please list) \*\*\*\*\*

V. BEST MANAGEMENT PRACTICES

Identify proposed Best Management Practices (BMPs) to reduce pollutants in storm water discharges: (Check all that apply)

- 1. G Silt Fences 2. G Sediment Pond 3. G Seeding/Preservation of Vegetation 4. G Mulching/Geotextiles 5. G Check Dams 6. G Structural Controls (Berms, Ditches, etc.)
7. G Other (Please list) \*\*\*\*\*

VI. ADDITIONAL INFORMATION REQUIRED

Project Start Date: Completion Date: Estimated Area to be Disturbed
\*\*\*\*\* (in Acres): \*\*\*\*\*

A storm water pollution prevention plan has been prepared for this site and is to the best of my knowledge in Compliance with State and/or Local Sediment and Erosion Plans and Requirements.

(Y or N) G (A pollution prevention plan is required to be on hand before submittal of the NOI)

VII. CERTIFICATION: I certify under penalty of law that I have read and understand the Part I.B. eligibility requirements for coverage under the general permit for storm water discharges from construction activities.

I further certify that to the best of my knowledge, all discharges and BMPs that have been scheduled and detailed in a pollution prevention plan will satisfy requirements of Part I.B., and Part III. of this permit.

I understand that continued coverage under this storm water general permit is contingent upon maintaining eligibility as provided for in Part I.B.

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

Print Name (of responsible person for the main operator from first page):

Date:

\*\*\*\*\*

\*\*\*\*\*

Signature: \_\_\_\_\_

Print Name (of responsible person for the 1st co-permittee from first page):

Date:

\*\*\*\*\*

\*\*\*\*\*

Signature: \_\_\_\_\_

Print Name (of responsible person for the 2nd co-permittee from first page):

Date:

\*\*\*\*\*

\*\*\*\*\*

Signature: \_\_\_\_\_

Print Name (of responsible person for 3rd co-permittee from first page):

Date:

\*\*\*\*\*

\*\*\*\*\*

Signature: \_\_\_\_\_

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

