

Storm Water Coalition Agenda Thursday, January 9th, 2020

1. Welcome and Roll
2. Announcements

Public Notice for modified General Permit for Discharges from Small MS4 Permit ends on January 23, 2020. The comment period closes on January 23, 2020. The draft Permit, Fact Sheet/Statement of Basis and Comment Responses from the 7/25/18 public notice draft can be found on our website at:

<https://deq.utah.gov/public-notices-archive/water-quality-public-notices> .

There are significant changes.

(See preceding pages summary as noted in the FACT SHEET STATEMENT OF BASIS).

3. Instructor Stormwater Update
 - A. Instructions for viewing scheduling calendar for presentations
Go to www.google.com
Click on apps on the top right
Click on calendar
Log in information: Username is utahstormwater@gmail.com
Password is pollution123
 - B. Has presented to 72 schools this year.
 - C. Currently 113 schools participating in the program.
4. Discussion regarding annual Storm Water Training for February 4th, 2020.
5. Discussion regarding new Utah County Storm Water Coalition Display.
6. New CGP SWPPP Template November 2019, is available on the DWQ Storm Water website at <https://deq.utah.gov/water-quality/general-construction-storm-water-updes-permits>
7. USWAC Report – Scott Bird
8. Discussion –
9. Next Meeting: March 12th, 2020

Application and Storm Water Management Program

The date for submittal of a revised SWMP document for renewal permittees has been changed from 120 days to 180 days from the effective date of the Permit

Illicit Discharge Detection and Elimination

Based on a comment received regarding Permittee responsibility for third-party discharges, Permit Part 4.2.3.6.2 was added: “Although Permittees are required to prohibit illicit discharges within their boundaries and to take appropriate action to detect and address any violations, this Permit does not impose strict liability on the Permittee.”

Permit Part 4.2.3.11 includes the wording “Permittees shall...require that all staff, contracted staff, or other responsible entities, that as part of their normal job responsibilities might come into contact with or otherwise observe an illicit discharge or illicit connection to the MS4 including office personnel who might receive initial reports of illicit discharges, receives annual training in the IDDE program...”. The wording has changed to clarify which MS4 staff should be trained. Permittees must ensure through tracking of attendance that appropriate staff has received annual training. If some staff were unable to attend the yearly training that was offered, it is the Permittee’s responsibility to offer another form of training to meet this Permit requirement. Although online training and certification is not specifically mentioned in this Permit, this is one option to ensure that all appropriate staff receives the necessary training that is required throughout this Permit. A requirement to ensure that new hires are trained within 60 days of hire date has also been added to Permit Part 4.2.3.11

Construction Site Storm Water Runoff Control

The threshold for construction site storm water runoff control has been clarified to “construction sites with a land disturbance of greater than or equal to one acre, including projects that are part of a larger common plan of development or sale *which collectively disturbs land greater than or equal to one acre...*”

The requirement that MS4s ensure operators “maintain coverage under the Construction General Permits has been removed from Permit Part 4.2.4.1.2.

Permit Part 4.2.4.2.1 has added an appeals process as part of the procedures to ensure compliance to be posted in a publicly available location. An appeals process will allow a construction operator to appeal an enforcement option.

Permit Part 4.2.4.3.1 has changed the pre-construction SWPPP review requirement to a preconstruction *meeting* requirement.

Permit Part 4.2.4.3.2 has clarified the factors for determining a priority construction site.

Permit Part 4.2.4.4. prohibits an individual or entity who prepares a SWPPP for a construction project from performing construction site inspections on behalf of a Permittee on that site.

Permit Part 4.2.4.4.1 has added the requirements for qualified Permittee storm water inspectors.

Permit Part 4.2.4.4.4 allows for the use of an electronic inspection tool by the Permittees in place of in person, on-site inspections for up to one-half of inspections at a construction site.

The requirement for Permittees to publicize a hotline or other local telephone number for public reporting of storm water related issues on construction sites has been removed.

Permit Part 4.2.4.5. has added language that requires the Permittee to ensure annual training of staff as well as the training of new hires within 60 days of hire.

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

(Permit Part 2.3).Permit Part 4.2.5.2.1 *requires* by **March 1, 2020** all new development projects meeting the applicable threshold to manage rainfall on-site, and prevent the off-site discharge of the precipitation from all rainfall events less than or equal to the 80th percentile rainfall event. If not feasible, a rationale must be provided for the use of alternative design criteria.

By **March 1, 2020**, redevelopment projects meeting the applicable threshold that increase the impervious surface by greater than 10%, shall manage rainfall on-site, and prevent the off-site discharge of the net increase in the volume associated with the precipitation from all rainfall events less than or equal to the 80th percentile rainfall event.

This water quality volume based methodology will reduce the runoff from a site from the small frequently occurring storms which have a strong negative cumulative impact on receiving water quality. The previously modified Permit included a retention requirement equivalent to the water quality volume associated with the 90th percentile storm event for new and redevelopment. Based upon input provided by the development community and permitted MS4s during the Land Use Task Force stakeholder process, the retention requirement was for new and redevelopment were separated and reduced to the 80th percentile storm event.

The rationale for using the 80th percentile event is that it represents the majority of runoff volume on an annual basis, and that larger events would be very difficult and costly to control. This objective must be accomplished by the use of a combination of practices; site design, structural and non-structural controls that are designed, constructed, and maintained to infiltrate, evapotranspire and/or harvest and reuse rainwater.

The 80th percentile rainfall event is the event whose precipitation total is greater than or equal to 80 percent of all storm events over a given period of record.

Guidance related to this requirement is available on the Division's website at <https://deq.utah.gov/water-quality/lowimpact-development>.

Retention must be accomplished by the use of Low Impact Development (LID) practices that are designed, constructed, and maintained to infiltrate, evapotranspire and/or harvest and reuse rainwater as described in Permit Part 4.2.5.1.3 and per the Division's "A Guide to Low Impact Development within Utah" located on the DWQ website.

Permittees must allow for use of a minimum of five LID practices from the list in Appendix C of "A Guide to Low Impact Development within Utah." If a Permittee has not adopted specific LID guidelines, any LID approach that is described in DWQ's LID manual and feasible may be used to meet this requirement.

If an LID approach cannot be utilized, the Permittee must document an explanation of the reasons preventing this approach and the rationale for alternative criteria per Permit Part 4.2.5.1.5. Guidance for assessing and documenting site conditions and feasibility can be found in DWQ's "A Guide to Low Impact Development within Utah" Appendix B "Storm Water Quality Report Template" located on the DWQ website at: <https://deq.utah.gov/water-quality/lowimpact-development>.

The definition of LID infeasibility has been expanded from the July 25, 2018 draft permit to include high groundwater, drinking water source protection areas, soil conditions, slopes, accessibility, excessive costs, or others.

Permit Part 4.2.5.3.1 requires procedures for site plan review that evaluate water quality impacts and that are applied through the life of the project from conceptual design to project closeout.

Permit Part 4.2.5.3.2 requires Permittees to review post construction plans to ensure long-term controls are implemented which meet the permit requirements.

Permit Part 4.2.5.2.4 requires that permanent structural BMPs be inspected to ensure the BMPs were constructed as designed prior to closing out a construction project.

Permanent structural BMP inspection requirements have been reduced from a minimum or annually to at least every other year or as necessary to maintain functionality of the control (Permit Part 4.2.5.2.5).

Previous Permit Part 4.2.5.3.3 requiring a retrofit plan has been moved to Permit Part 4.2.6 Pollution Prevention and Good Housekeeping for Municipal Operations.

Permit 4.2.5.6. requires that all staff involved in post-construction storm water management, planning and review, and inspections and enforcement be trained on an annual basis. New hires must be trained within 60 days of hire.

Previous Permit Part 4.2.5.4.2 has been removed.

Pollution Prevention and Good Housekeeping for Municipal Operations

This minimum control measure has been reorganized to more clearly outline the requirements for “high priority” municipal facilities and overall SOP development and implementation for all facilities and municipal operations. Guidance for evaluating “high priority” municipal facilities and preparing SOPs will be developed as separate Fact Sheets by the Division.

Permit Part 4.2.6.4. requires Permittees to develop and implement a Storm Water Pollution Prevention Plan (SWPPP) for each “high-priority” Permittee-owned or operated facility within 180 days from the effective date of this Permit. The SWPPP must identify potential sources of pollution, describe and ensure implementation of practices that are to be used to reduce pollutants in storm water discharges associated with activity at the facility and must include a site map showing the information required in Permit Part 4.2.6.4. The previous Permit required SOPs to address many of these requirements and these SOPs, provided that they meet the Permit requirements, may be used as part of this SWPPP document. SOPs must be tailored to the specific Permittee, facility, or operational procedure and must not contain generic descriptions of municipal activities.

In Permit Part 4.2.6.5.1, **visual inspection** frequency has been **reduced from weekly to monthly**.

In Permit Part 4.2.6.5.2, **comprehensive inspection** frequency has been **reduced from quarterly to semi-annually**.

In Permit Part 4.2.6.5.3, **visual observation** frequency has been reduced **from quarterly to annually**.

Previous Long-Term Storm Water Management in New Development and Redevelopment Permit Part 4.2.5.3.3 requiring a retrofit plan has been moved to Permit Part 4.2.6.9.

Permit Part 4.2.6.10. requires that all employees, contracted staff, and other responsible entities involved in construction, operation, or maintenance job functions that are likely to impact storm water quality be trained on an annual basis. New hires must be trained within 60 days of hire.