

CHAPTER 15-03 STORMWATER MANAGEMENT AND PERMIT

- 15-03-010. Stormwater Permit Required.
- 15-03-020. Permit Exemptions.
- 15-03-025. Permit Exclusions.
- 15-03-030. Stormwater Permit Application.
- 15-03-040. City Stormwater Pollution Prevention Plan.
- 15-03-045. Hydrologic Methods and Design Standards.
- 15-03-050. Stormwater Hydrology and Hydraulics
- 15-03-055. Licensed Professional Engineer.
- 15-03-060. Permit Review and Approval.
- 15-03-065. Stormwater Permit Prior to Activity.
- 15-03-070. Notice of Commencement of Work.
- 15-03-080. Permit Duration and Extensions.
- 15-03-090. Permit Nontransferable or Assignable.
- 15-03-100. Compliance with Other Ordinances.
- 15-03-110. Permit Kept On-Site.
- 15-03-120. Inspections.
- 15-03-130. As-Built Plans.
- 15-03-140. Notice of Termination (NOT).
- 15-03-150. Construction Stormwater Management Performance Criteria.
- 15-03-160. Construction Stormwater Management Design Criteria.
- 15-03-165. Maintenance Agreements.

15-03-010. Stormwater Permit Required.

(a) Large Projects. Except as otherwise exempted under Section 15-03-020, any person or entity proposing to disturb one (1) acre or more of ground in connection with any development, land disturbance, or construction activity within the City or any person or entity proposing to disturb less than one (1) acre of ground which is part of a larger common plan of development that disturbs one (1) acre or more of ground shall be required to obtain a Stormwater Permit from the City.

(b) Small Projects. Except as otherwise exempted under Section 15-03-020, a Stormwater Permit shall also be required for any building permit for a structure requiring earth moving, unless otherwise waived by the Public Works Director. In determining whether to grant a waiver, the Public Works Director shall consider the following with respect to the property and circumstances associated with the same: topography, vegetation, wetlands, steep slopes, sensitive areas, high water table, proximity to water channels, creeks, well or riparian areas.

(c) Stormwater Permits are required to be obtained prior to or in conjunction with the issuance of any demolition, excavation, land disturbance, building, site plan, land use or subdivision permit or approval or any development or construction activity within the City.

15-03-020. Permit Exemptions.

A Stormwater Permit is not required for the following activities:

- (a) Any emergency activity that is immediately necessary for the protection of life, property, or natural resources; or
- (b) Existing nursery and agricultural operations legally conducted as a permitted main or accessory use.

15-03-025. Permit Exclusions.

Unless otherwise expressly provided in this Title, a Stormwater Permit issued by the City shall not include or in any way authorize the following:

- (a) Discharges that are mixed with sources of non-storm water;
- (b) Stormwater discharges associated with industrial activity as defined in *Utah Administrative Code R317-8-3.9*, as amended;
- (c) Stormwater discharges associated with construction activities as defined in *Utah Administrative Code R317-8-3.9*, as amended;
- (d) Discharges that would cause or contribute to in-stream exceedances of water quality standards as set forth in *Utah Administrative Code R317-2*, as amended;
- (e) Discharges of any pollutant into any waters of the State for which a Total Maximum Daily Load (TMDL) has been approved by the EPA, unless the discharge is consistent with the TMDL; or
- (f) Discharges or discharge-related activities that are likely to jeopardize the continued existence of any species that are listed as endangered or threatened under the Endangered Species Act (ESA) or result in the adverse modification or destruction of habitat that is designated as critical under the ESA.

15-03-030. Stormwater Permit Application.

A completed application for a Stormwater Permit shall be submitted to the Public Works Director on forms provided by the City. All applications for a Stormwater Permit shall contain the following information and/or documents:

- (a) The name, address and contact information for the owner of the site, the developer of the site, contractors working at the site, and any consulting firm retained by the applicant;
- (b) The proposed starting date and estimated completion date for the proposed work and/or construction activity;
- (c) A City Stormwater Pollution Prevention Plan, as more particularly described in Section 15-03-040, for the subject property and the proposed construction activities to be prepared and implemented in accordance with the terms and conditions of this Title;
- (d) A copy of the UPDES Permit issued by the State and a copy of the Stormwater Pollution Prevention Plan submitted in conjunction with the UPDES Permit for the subject property and the proposed construction activities, as applicable;
- (e) The required stormwater pollution prevention review and application fee as set forth in the City's Consolidated Fee Schedule; and
- (f) A bond in the amount deemed sufficient by the City to cover all costs and required performance under the terms and conditions of this Title regarding stormwater pollution prevention, including, but not limited to, compliance with the terms and conditions of this Chapter, the Stormwater Pollution Prevention Plan, and any additional conditions required by the Public Works Director and/or City Engineer as provided herein.

15-03-040. City Stormwater Pollution Prevention Plan.

(a) A City Stormwater Pollution Prevention Plan (“City SWPPP”) shall be required with all permit applications and shall include sufficient information (e.g., maps, hydrologic calculations, soil reports, erosion and sediment control plan, etc.) to evaluate the environmental characteristics of the project site, the potential impacts of all proposed development of the site, both present and future, on the water resources, and the effectiveness and acceptability of the structural and/or non-structural BMPs proposed for managing stormwater generated at the project site. The City SWPPP shall include a landscaping plan in accordance with Section 15-03-160(c). The intent of the City SWPPP is to determine the type of stormwater BMPs necessary for the proposed project and to ensure adequate planning for long-term operation, management, and maintenance of stormwater run-off from future development. Furthermore, the SWPPP is intended to protect water quality, reduce pollutant discharge and to control waste and should address these issues as well. The Public Works Director may prepare a City SWPPP checklist for assistance in preparing such plans.

(b) For development or redevelopment occurring on a previously developed site, an applicant shall be required to include within the City SWPPP BMPs for controlling existing stormwater run-off discharges from the site in accordance with the standards of this Title to the maximum extent practicable.

15-03-045. Hydrologic Methods and Design Standards

The City has established Hydrologic Methods and Design Standards for all stormwater design within the City as more particularly set forth in the City’s SWMP. Updates to these standards may be made from time to time by the City. Such standards shall be binding upon all design and construction within the City.

15-03-050. Storm Water Hydrology and Hydraulics

The standard to determine the adequate disposal of storm water from a property to protect it from flooding, shall be the calculation using a ten(10) year one(1) hour storm with the Farmer Fletcher Distribution within the boundaries of the property and the existing flows entering the property from adjacent properties. Adequate shall also be defined as providing for overflow for a 100 year storm.

15-03-055. Licensed Professional Engineer.

When determined necessary or desirable by the City Engineer, any proposed stormwater facilities and submitted plans shall be calculated, designed and certified by a licensed professional engineer.

15-03-060. Permit Review and Approval.

The Public Works Director and/or the City Engineer shall review all Stormwater Permit applications and City SWPPP for compliance with the terms and conditions of this Title. In the event the Stormwater Permit application or City SWPPP as submitted is deemed inadequate or fails to meet the terms and requirements of this Title, the Public Works Director and/or City Engineer may require additional information or impose additional conditions and requirements on the proposed construction activities to the extent necessary to bring the application and/or plan into compliance with the terms and purposes of this Title. Failure to comply with the terms and conditions of this Title shall be grounds for denial of the Stormwater Permit and/or any development, land use, subdivision or land disturbance permit or approval.

15-03-065. Stormwater Permit Prior to Activity.

No construction activity, land use or land disturbance activity shall occur on the subject property until a Stormwater Permit is approved by the Public Works Director.

15-03-070. Notice of Commencement of Work.

After issuance of a permit, the Public Works Director shall be notified by the permittee of proposed commencement of the work at least twenty-four (24) hours prior to commencement of work.

15-03-080. Permit Duration and Extensions.

A Stormwater Permit shall be valid for the time period specified in the permit. If the work is not completed during such period, prior to the expiration of the permit, the permittee may apply to the City for a permit extension. A permit extension shall be reviewed and approved by the Public Works Director and shall only be issued upon a showing of good cause. The length of the extension shall not exceed the original term and shall be determined by the Public Works Director. Any extension shall require written review and amendment to the Stormwater Permit, SWPPP, and bonding, as necessary.

15-03-090. Permit Nontransferable or Assignable.

Stormwater Permits shall not be transferable or assignable and work shall not be performed under a permit in any place other than that specified in the permit. Nothing contained herein shall prevent a permittee from subcontracting the work to be performed under a permit; provided, however, that the holder of the permit shall be and remain responsible for the performance of the work under the permit, and for all bonding, insurance and other requirements of this Title. Subcontractors shall be appropriately licensed, insured and bonded.

15-03-100. Compliance with Other Ordinances.

The issuance of any Stormwater Permit by the City shall be subject to and conditioned upon compliance with all other applicable City Ordinances regarding the proposed land disturbance or construction activity, including, but not limited to, Subdivision Ordinance, Zoning Ordinance, excavation, erosion control and grading permit ordinances, and other land use development requirements.

15-03-110. Permit Kept On-Site.

Any approved Stormwater Permit, SWPPP and all related documents and plans shall be kept on-site at the project.

15-03-120. Inspection.

The City is required to inspect all phases of construction subject to this Title. Field inspections may occur prior to land disturbance, during active construction, and following active construction to verify BMPs are built and properly designed and to ensure BMPs are properly maintained. Field inspections for compliance with this Title and any permits issued hereunder shall be conducted by the Public Works Director, the Stormwater Utility Supervisor, the City Building Inspector, the City Ordinance Enforcement Officer, and/or other designated agent of the City. The Public Works Director may prepare an inspection checklist to assist in field inspections. As a condition of issuance of any Stormwater Permit, access shall be granted to qualified personnel of the City to inspect all construction and post-construction stormwater BMPs on private properties that discharge into the City's Storm Drain System.

15-03-130. As-Built Plans.

In addition to all other Ordinance requirements, all permittees subject to the terms and conditions of this Chapter are required to submit actual as-built plans for any and all permanent stormwater BMPs and facilities after final construction is completed. As-built plans must show the final design specifications for all stormwater BMPs facilities and, when required by the Public Works Director, must be certified by a licensed professional engineer. A final inspection by the Public Works Director and/or City Engineer is required before release of any bond can occur.

15-03-140. Notice of Termination (NOT).

(a) Operators. Operators wishing to terminate coverage under the City Stormwater Permit must submit a notice of termination (NOT) to the City. Such NOT shall be submitted to the Public Works Director.

(b) Permittees. 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 a NOT without final stabilization unless another party has agreed to assume responsibility for final stabilization of the site. Appropriate enforcement action 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.

15-03-150. Construction Stormwater Management Performance Criteria.

Unless determined by the Public Works Director to be exempt or granted a waiver, the following performance criteria shall be utilized and addressed for stormwater BMPs at all sites and proposed land disturbance or construction activities.

(a) All site designs shall establish stormwater BMPs to control the peak flow rates of stormwater discharge associated with specified design storms (specified by the UPDES Stormwater General Permit for Construction Activities UTR300000) and reduce the generation of stormwater. These practices should seek to utilize pervious areas for stormwater treatment and to infiltrate stormwater run-off from driveways, sidewalks, rooftops, parking lots, and landscaped areas to the maximum extent practicable to provide treatment for both water quality and quantity.

(b) New development shall not discharge untreated stormwater directly into a jurisdictional wetland or local water body without adequate treatment. Where such discharges are proposed, the impact of the proposal on wetland functional values shall be assessed using a method acceptable to the Public Works Director. In no case shall the impact on functional values be any less than allowed by the Army Corp of Engineers (ACE) or the Department of Environmental Quality (DEQ) responsible for natural resources.

(c) Annual groundwater recharge rates shall be maintained, by promoting infiltration through the use of structural and non-structural methods. At a minimum, annual recharge from the post development site shall mimic the annual recharge from pre-development site conditions. This subsection shall not apply to areas with high water tables.

(d) All site designs shall establish stormwater BMPs to minimize, to the maximum extent practicable, sediment, debris and all other pollutants from entering the storm drain system during all phases of demolition and construction. The owner, developer, contractor and/or their authorized agents shall be responsible for the removal of all construction debris, dirt, trash, rock, sediment, and sand that may accumulate in the storm drain system and stormwater appurtenances as a result of site development.

(e) All site designs shall establish stormwater BMPs to minimize, to the maximum extent practicable, soil erosion. Any earth disturbance shall be conducted in such a manner so as to effectively reduce accelerated soil erosion and resulting sedimentation. All earth disturbances shall be designed, constructed, and completed in such a manner so that the exposed area of any disturbed land shall be limited to the shortest possible period of time. Soil erosion control measures for all slopes, channels, ditches, or any disturbed land area shall be completed within fourteen (14) calendar days after final grading, or final earth disturbance, has been completed. All temporary soil erosion control measures shall be maintained until permanent soil erosion control measures are implemented.

(f) Stormwater discharges to critical areas with sensitive resources (i.e., cold water fisheries, shellfish beds, swimming beaches, recharge areas, water supply reservoirs) may be subject to additional

performance criteria, or may need to utilize or restrict certain stormwater BMPs.

(g) Stormwater discharges from land uses or activities with higher potential pollutant loadings, known as "hotspots", may require the use of specific structural BMPs and pollution prevention practices.

(h) Post-construction stormwater BMPs, where practicable, shall be installed during the construction process to control pollutants in stormwater discharges that will occur after construction operations have been completed. Post-construction stormwater BMPs may include, but are not limited to, stormwater detention structures (including wet ponds); stormwater retention structures; flow attenuation by use of open vegetated swales and natural depressions; infiltration of run-off on-site; and sequential systems (which combine several practices).

(i) Prior to design, applicants shall consult with the Public Works Director to determine if the project or activity is subject to additional stormwater design requirements.

15-03-160. Construction Stormwater Management Design Criteria.

(a) Site Design. Stormwater BMPs for a site shall be chosen based on the physical conditions of the site. Among the factors that should be considered:

- (1) Topography;
- (2) Maximum Drainage Area;
- (3) Depth to Water Table;
- (4) Removal of Suspended Sediment;
- (5) Soils;
- (6) Slopes;
- (7) Terrain;
- (8) Head; and
- (9) Location in relation to environmentally.

(b) Conveyance. All stormwater BMPs shall be designed to convey stormwater to allow for the maximum removal of pollutants and reduction in flow velocities. This shall include, but is not limited to:

- (1) Maximizing of flowpaths from inflow points to outflow points;
- (2) Protection of inlet and outfall structures;
- (3) Elimination of erosive flow velocities; and
- (4) Providing of underdrain systems, where applicable.

(c) Landscaping. All stormwater BMPs and City SWPPP must have a landscaping plan detailing both the vegetation to be in the practice and how and who will manage and maintain this vegetation. When required by the Public Works Director, this plan shall be prepared by a registered landscape architect.

15-03-163. Maintenance Requirements.

The City is required, as part of its UPDES General Permit, to ensure adequate ongoing long-term operation and maintenance of approved stormwater control measures and BMPs. In order to do so, the City is hereby authorized to enter upon and inspect stormwater control measures and BMPs on private properties that discharge to the City's Storm Drain System to ensure that adequate maintenance is being performed. The property owner, operator, and/or permittee carrying out all BMPs and control measures under the provisions of this Title, and all subsequent owners, operators and/or permittees of the property on which such measures have been taken, shall maintain all temporary and permanent BMPs and control measures. The property owner, operator and/or permittee responsible for maintenance shall be required to provide the City with annual certification that adequate maintenance has been performed and the structural controls are operating as designed to protect water quality. Such annual certification shall be submitted to the Public Works Director by July 1st of each year. The property owner, operator and/or permittee shall also be required to enter into a Maintenance Agreement with the City in accordance with the provisions of Section 15-03-165, as amended, addressing maintenance requirements for any control measures and BMPs installed on the property. Should the property owner, operator, permittee, or any subsequent property owner, operator, permittee and/or tenant, fail to adequately maintain the temporary and permanent BMPs and control measures, the City is hereby authorized to enter the affected property and to take such action as is necessary in accordance with the enforcement and violation provisions set forth in Chapter 15-05, as amended, and/or the enforcement provisions provided in the Maintenance Agreement.

15-03-165 Maintenance Agreements.

A Maintenance Agreement shall be required for any property containing permanent control measures or BMPs to ensure that adequate maintenance is and will be performed by the property owner/operator. Maintenance Agreements shall be recorded against the subject property and shall run with the land as an obligation on subsequent owners. The City may provide an outline or template for such maintenance agreements, including required Standard Operating Procedures (SOP's), Inspection Forms and Maintenance Logs. All maintenance agreements shall be recorded with the property and shall run with the land. Maintenance Agreements shall include and address the following:

- (a) The property owner shall provide for both construction-phase and post-construction access for the City to inspect stormwater control measures on private properties that discharge to the City Storm Drain System to ensure that adequate maintenance is being performed.
- (b) Alternatively, the second party may be permitted to maintain of their own controls on private property. A qualified third party may be agreed upon for said maintenance and certified annual inspections.
- (c) The Maintenance agreement shall allow for the City to define in an agreement, any maintenance requirements for any control measures or structural BMP installed on site.
- (d) Through the agreement, the City shall be allowed to conduct oversight inspections of the stormwater control measures during construction.
- (e) The agreement shall account for transfer of responsibility in leases and/or deeds of the responsibilities defined in the agreement.
- (f) The City shall be able to perform necessary maintenance or corrective actions neglected by the property owner/operator, and bill or recoup costs from the property owner/operator as needed.
- (g) Inspections shall be addressed in the agreement, Inspect annually the controls either by pre-approved third party inspector or by the City Inspector. If a third party inspector is arranged, the City shall be able to inspect the site at least every five years.

(h) Access to private property associated with the Stormwater Controls and pollutants shall be granted by the agreement.