



TOM WARD, P.E.
PUBLIC UTILITIES DIRECTOR

KURT BRADBURN
MAYOR

MATTHEW HUISH
CHIEF ADMINISTRATIVE OFFICER

MEMORANDUM

To: Sandy City Council

From: Tom Ward, P.E., Public Utilities Director *TW*
Tyler Shelley, P.E., Public Utilities Chief Engineer, Storm Water Program Manager

Date: August 7, 2020

Re: Utah DEQ Warning Letter – Sandy City Bulk Waste Cleanup Program

SUMMARY

This correspondence is to make you aware of the attached Warning Letter from the Utah Division of Water Quality (DWQ). We are required to respond to DWQ within 30 days of receipt of the attached letter, which is by August 22, 2020. We have requested to meet with you on Tuesday, August 11, 2020 to review the warning letter and Sandy City's DRAFT response to DWQ (see attached).

BACKGROUND

The City looked at adjusting our bulk waste cleanup program to address various issues and concerns with the existing program and presented that information to City Council on February 4, 2020. One of the primary issues driving the need for change was to bring the program into compliance with State and Federal Clean Water Act requirements that do not allow discharge of waste and pollution into our waterways. The Council requested that we obtain more affirmative direction from the regulating agency to confirm if and how the existing program is in violation, and if and how it would need to be changed. Public Works and Public Utilities worked with Utah Division of Water Quality authorities to gather data and review our program through our most recent seasonal bulk waste cleanup program.

WARNING LETTER FROM DWQ

The DWQ responded with the attached Warning Letter which states, in part:

“Within 30 days of receipt of this letter, Sandy City is required to respond with a timeline for cessation of the current practice of placing un-containerized waste in the city's MS4 (street gutters) for bulk waste collection. A compliance schedule will be established by the Director to avoid the need for formal enforcement of the MS4 permit.”

PROPOSED TIMELINE

Within the constraints of the DWQ regulatory and warning letter parameters, we have discussed the requirements with DWQ and sought as much time as possible for City Council review and deliberation of changes to the bulk waste program. The timeline we are proposing will allow separate presentations by staff to Council on the topics germane to the bulk waste discussion, allowing the Council to review information, obtain public input, deliberate and select a final option. The bulk waste program selected by Council must be incorporated into a compliance implementation schedule that is acceptable to the Division of Water Quality Director as required in the attached Warning Letter. The initial schedule we suggest, subject to any changes by Council, is as follows:

August/September	Storm water permit requirement of bulk waste program (Public Utilities and DWQ)
Aug/Sept. 2020	Bulk waste program options (Public Works)
September	Bulk waste funding and cost considerations (Finance)
October – November	Council deliberation and public input
December 1	Council selection of final option
December	Staff preparation of program submittal for DWQ (Public Works)
December 31, 2020	Submit Compliance Schedule to DWQ for acceptance
Jan/Feb 2021	DWQ acceptance of Compliance Schedule
Spring 2021	Bulk Waste program change implementation Revise Ordinance, Adopt/Change fees, Budget approval (Council) Procurement, Contracts, etc. (Public Works, Admin)
July 1, 2021	New Bulk Waste program implementation

We look forward to the forthcoming discussions and decisions. Thank you for your input regarding the tasks and timelines above.

Attachments: Utah DWQ Warning Letter; draft City response to DWQ.



SANDY CITY PUBLIC UTILITIES

TOM WARD, P.E.
PUBLIC UTILITIES DIRECTOR

KURT BRADBURN
MAYOR

MATTHEW HUISH
CHIEF ADMINISTRATIVE OFFICER

DRAFT July 31, 2020

Director Erica Gaddis
Utah Division of Environmental Quality
195 North 1950 West
Salt Lake City, UT 84114

Re: Warning Letter for Sandy City Bulk Waste Collection

Dear Director Gaddis,

Sandy City is in receipt of your warning letter dated July 23, 2020 regarding the need for “cessation of the current practice of placing un-containerized waste in the city’s MS4 (street gutters) for bulk waste collection.” We appreciate your staff’s constructive support as the City seeks to review, fund and implement changes to the City’s bulk waste program that will be acceptable to you under our permit and applicable Clean Water Act requirements.

Sandy is on a fiscal calendar and is currently addressing financial issues within the context of COVID-19, and will be working to identify and fund the bulk waste program changes as we develop our budget for Fiscal year 2021/22. The timeline below will include regular interaction with your staff to assure that when we submit final program changes for your review, that they will be accepted within the context of a compliance schedule and avoid the need for formal enforcement of the MS4 permit as you noted.

Summer/Fall 2020	City Council review of program options
Fall/Winter	Select Program Changes with public and DWQ input
January 2020	Submit proposed program compliance schedule to DWQ
February 2021	DWQ issues compliance schedule
March – May	Sandy program contracting and logistics (procurement, contracts, public education, etc.)
July 1, 2021	New program fully funded and implemented.

If you have any questions, please contact me at 801-568-7285, or by e-mail at tshelley@sandy.utah.gov.

Sincerely,

Tyler Shelley, P.E.
Sandy City Public Utilities Chief Engineer

cc: Matthew Huish, Chief Administrative Officer
Tom Ward, P.E., Sandy City Public Utilities Director
Mike Gladbach, P.E., Sandy City Public Works Director



State of Utah

GARY R. HERBERT
Governor

SPENCER J. COX
Lieutenant Governor

Department of
Environmental Quality

L. Scott Baird
Executive Director

DIVISION OF WATER QUALITY
Erica Brown Gaddis, PhD
Director

VIA EMAIL
READ RECEIPT REQUESTED

July 23, 2020

Mr. Tyler Shelley
Senior Engineer
10000 Centennial Parkway
Sandy, UT 84070

Subject: **Warning Letter for Sandy City Bulk Waste Collection**

Dear Mr. Shelley:

The Division of Water Quality (DWQ) recently became aware that Sandy City is conducting a biannual bulk waste collection which consists of residents placing un-containerized waste materials in the street gutters for pick up by the Sandy City Department of Public Works. DWQ understands City Ordinance section 9-1-7 (9) specifically allows for this practice. DWQ is aware the last bulk waste collection occurred spring of 2020 with an additional collection planned for fall 2020.

Sandy City holds Utah Pollutant Discharge Elimination System (UPDES) Permit No. UTS000001 which is regulated under the *Jordan Valley Municipalities Municipal Separate Storm Sewer System (MS4) Permit*. As such, Sandy City is required to develop, implement, and enforce a Storm Water Management Plan designed to reduce the discharge of pollutants to the Maximum Extent Practicable from the MS4, protect water quality, and satisfy the appropriate water quality requirements of the Utah Water Quality Act. An MS4 is a system of conveyances that is owned by a public entity that discharges to waters of the state that is designed or used to collect or convey storm water including curb and gutter, storm drains, pipes, ditches, swales, ponds, basins, etc.

MS4 Permit Part 4.2.3, *Illicit Discharge Detection and Elimination (IDDE)*, requires Sandy City to prohibit, through ordinance or other regulatory mechanism, non-storm water discharges to the MS4, including spills, illicit connections, **illegal dumping** and sanitary sewer overflows into the storm sewer system and to cease such non storm water discharges when discovered.

MS4 Permit Part 4.2.6, *Pollution Prevention and Good Housekeeping for Municipal Operations*, requires Sandy City to implement a program of standard operating procedures, pollution prevention Best Management Practices (BMPs), storm water pollution prevention plans or similar type of documents and a training component that have the ultimate goal of preventing or reducing the runoff of pollutants to the MS4 and waters of the state. Allowing residents to place waste materials into street gutters which are MS4 storm water conveyance structures, where materials may come into contact with and pollute storm water, is a violation of Sandy City's MS4 permit.

Page 2

Mr. Tyler Shelley
Senior Engineer

Within **30 days** of receipt of this letter, Sandy City is required to respond with a timeline for cessation of the current practice of placing un-containerized waste in the city's MS4 (street gutters) for bulk waste collection. A compliance schedule will be established by the Director to avoid the need for formal enforcement of the MS4 permit.

If you have any questions concerning this letter or permit requirements do not hesitate to contact Jeanne Riley, Storm Water Manager, at (801) 536-4369 or jriley@utah.gov.

Sincerely,



Erica Brown Gaddis, PhD
Director

EG/JR/cjh

cc: Jeanne Riley, DWQ Storm Water Manager
Trisha DiPaola, DWQ MS4 Program Coordinator
Michael Gladback, Sandy City Public Works Director
Thomas K. Ward, Sandy City Public Utilities Director

DWQ-2020-015002