

Utah State Standard Operating Procedure for SWPPP

MS4 SWPPP Compliance Oversight SOP

Last Reviewed: May 29, 2024

MS4 Permit Requirement: “All Permittees shall develop and implement SOPs or similar types of documents for construction site inspection and enforcement of construction storm water pollution control measures. The procedures must clearly identify who is responsible for site inspections, as well as, who has authority to implement enforcement procedures.” (4.2.4.4)

HB 507 Reference: “This bill establishes standards regarding how municipality systems: inspect construction sites impacting storm water runoff.”

“Each municipal system shall develop, publish, and implement standard operating procedures, forms, or similar types of documents for construction site inspections. A municipal system shall conduct an oversight inspection through an electronic site inspection. A municipal system may conduct an on-site inspection if the municipal system has a documented reason for justifying an on-site oversight inspection.”

“Electronic site inspection” means geo-located and time-stamped photos taken, evaluated, and submitted electronically by the applicant to the municipal system.

“Oversight inspection” means a construction site inspection performed by the municipal system to assess compliance with the permit. (line #9-11, 62-63, 66-67, 143-148)

1. Purpose:

The purpose of the *MS4 SWPPP Compliance Oversight Standard Operating Procedure (SOP)* is to describe how all MS4s will conduct inspections for construction sites that require storm water pollution control measures. For purposes of this SOP, “operator” means the person responsible for SWPPP implementation on an applicable construction site.

Each MS4’s storm water staff are responsible for implementing the requirements and may not defer from this SOP. The operator is responsible for abiding by all requirements of the UPDES Storm Water General Permits for Construction Activities and the MS4 is responsible for oversight. Authority to implement enforcement procedures lies with the MS4 and the Department of Environmental Quality (DEQ). The *MS4 SWPPP Compliance Oversight SOP* is to be followed, and updated according to State and municipal requirements.

2. State Requirements:

1. Oversight Inspection

- a. Required to be completed by the MS4 on any construction site that is greater than or equal to one acre or is part of a common plan of development or sale which collectively disturbs land greater than or equal to one acre.
- b. MS4 must inspect all phases of construction, including prior to land disturbance, during active construction, and following active construction.

- c. Oversight inspections are required to be completed monthly for non-priority construction sites and biweekly for priority construction sites as defined in the UPDES Storm Water General Permits for Construction Activities.
- 2. Qualified Personnel
 - a. The oversight inspection must be performed by a “qualified person” as described in the MS4 General UPDES Permit.
 - b. Anyone having a job duty related to implementing the construction storm water program must receive annual training. New hires must be trained within 60 days of hire.
 - 3. Record Retention
 - a. All MS4s must maintain records for at least five years of all applicable construction project documents which could include:
 - i. Site plan reviews
 - ii. SWPPPs
 - iii. Inspections
 - iv. Enforcement Actions (notices of violation, stop work orders)

3. Process:

- 1. Pre-construction
 - a. The MS4 will perform a pre-construction inspection and SWPPP overview specific to each MS4 jurisdiction described in their Storm Water Management Plan (SWMP).
 - b. The operator will submit a Notice of Intent (NOI) through the NeT NPDES eReporting Tool online (or via mail by special permission of DEQ) *before* earth disturbing activities.
- 2. During Construction
 - a. The MS4 will perform an oversight inspection (at the intervals mentioned in 2.1.c) through an electronic site inspection submitted by the operator. An electronic site inspection must use geo-located and time-stamped photos of all BMP’s implemented at the construction site to ensure their proper function to eliminate and or control pollutants at the site.
 - i. MS4 staff reviews the electronic site inspection for compliance with the CGP and the site specific SWPPP.
 - ii. MS4 staff complete an oversight inspection using the standard form provided by the Utah DEQ Water Quality Board.
 - iii. MS4 staff sends a copy of the oversight inspection to the operator for signature.
 - iv. MS4 staff maintains record of the oversight inspection
 - b. If the storm water pollution control measures (BMPs) on a construction site are found to be insufficient, steps will be taken to address the non-compliant issues as outlined in the *Non-Compliant Sites SOP*.
- 3. After Construction
 - a. The operator will request through the NeT NPDES eReporting Tool online (or via mail by special permission of DEQ) a Notice of Termination (NOT) once all temporary storm water control measures have been removed and the site has achieved final stabilization.
 - b. MS4 staff who have ‘MS4 Authority’ will be notified of the request to approve the operator’s NOT.

- c. MS4 staff will verify through an oversight inspection (or on-site inspection if applicable described in the *Non-Compliant Sites SOP*) if all NOT requirements have been met and approve or deny the NOT submission via the NeT NPDES eReporting Tool.

4. Flow Chart attached

5. Other Construction Sites

1. Construction sites that fall outside of the definition of any construction site that is greater than or equal to one acre or is part of a common plan of development or sale which collectively disturbs land greater than or equal to one acre, will have requirements specific to each MS4 jurisdiction. In many cases, this will be called a Land Disturbance Permit and is managed locally with no required NOI to the State.

***Note to the MS4:*

MS4s must use this template to facilitate their SWPPP requirements and can add specific information for each MS4 relevant to the SWPPP program.

