

**Subject: Starting May 7, 2025 – Stormwater Permit Enforcement Update – SB220 Changes
Utah Code 19-5-108.3**

UPDES Construction Stormwater Permittee,

We are writing to inform you of important changes to stormwater inspection programs in Utah under Senate Bill 220 (SB220) [\[Link\]](#), which took effect May 7, 2025. This new law amends Utah Code §19-5-108.3 [\[Link\]](#) which (as of 2025) allows for Electronic Site Inspections by authorities as an alternative to traditional on-site regulatory oversight inspections, and now alters the previous enforcement process for permit non-compliance by establishing a revised process (series of written warnings) and a new schedule of administrative fines (upon the 3rd written warning for a violation). Below is a summary of what this means for you as a UPDES construction stormwater permit holder.

What do I need to do (for Electronic Site Inspections)?

Participation in Electronic Site Inspections continues to be voluntary. Operators who choose to participate in electronic inspections (by regulatory authorities) must submit their (current) electronic inspection documentation within the first 7 days of each month. If the project is identified as a *Priority Site*, an additional second round of submittals is required within 7 days after the 15th of each month. (Please inquire with us to determine your project's priority status.)

As a reminder: Electronic Site Inspections require you to submit geo-located, time-stamped photographs of your construction site's stormwater controls (BMPs) and overall site conditions (with sufficient clarity to show compliance). Please also include any documentation demonstrating that BMPs are properly implemented (per your SWPPP) and provide the SWPPP and all associated records to the local MS4 (these additional documents are necessary to determine full compliance with stormwater regulations). Detailed instructions for conducting and submitting an electronic inspection are provided in the attached "Electronic Site Inspection Guide" (revised 5/13/2025).

Our inspectors will review your photo submissions and associated documentation to verify compliance remotely. Failure to provide complete or clear documentation will either result in a request for additional information or a decision to conduct an on-site inspection.

Opting Out of Electronic Site Inspections:

If you prefer to continue receiving traditional on-site regulatory inspections by the regulatory authorities, as you have in the past, you have the right to opt out of the electronic site inspection program at any time. To opt out, simply complete the attached "Electronic Site Inspection Opt-Out" Form and submit it to the MS4. If the opt-out form is received, or monthly electronic inspection photographs are not submitted, the MS4 will assume you have opted out and will proceed with on-site oversight inspections.

New Fine Schedule for Violations:

SB220 introduces a standardized fine schedule for stormwater violations. **These administrative fines, ranging from \$100 to \$500, apply per occurrence (and may be assessed for each day a violation continues uncorrected).** The key fine categories include: **(1)** working without an approved stormwater permit (\$500), **(2)** vehicles tracking sediment off-site (\$300), **(3)** failure to clean up or report spills (\$250), **(4)** failure to conduct site inspections (\$100), **(5)** failure to keep or maintain stormwater records (\$100), and **(6)** failure to implement or maintain stormwater Best management Practices (BMPs) (\$500).

Emphasis on Compliance Assistance:

The enforcement process will continue to emphasize compliance assistance through corrective action first. If a potential violation is found, we will notify you in writing and allow time to correct the issue before any fine is issued. The new fine schedule will only be used if issues remain unresolved after three warnings. Our goal is to ensure problems are fixed promptly, not to collect penalties. However, these fines provide clear consequences if serious violations occur or persist.

These changes provide an additional option for permittees to streamline inspections according to their operational needs. Regulatory staff are available to support your compliance efforts under these new requirements. We've attached guidance to help you successfully complete electronic inspections, and provided an opt-out form if you decide to continue with traditional on-site inspections.

Resources and Support:

Please don't hesitate to contact us for any assistance or clarification. For questions about the inspection process or fine schedule, you may contact WSU MS4 coordinator at Cell 801-549-7544 or via email at drewhodge@weber.edu. We are here to help you navigate these changes and maintain compliance with your permit.

Thank you for your attention to these updates and for your continued cooperation in protecting water quality.

Sincerely,

Attachments:

- *Operator Electronic Site Inspection Guide (PDF)*
- *Operator Electronic Site Inspection Opt-Out Form (PDF)*