

Stormwater Permitting for Construction Activities

Regulatory Program Changes:

SWPPP Oversight Inspections & Enforcement Procedures

Effective May 1, 2025

Salt Lake City Department of Public Utilities' Stormwater Quality Division (SLCDPU- SWQ) conducts regulatory oversight inspections of stormwater permit compliance at permitted construction sites on a monthly basis, or bi-weekly if prioritized for an increased inspections frequency based on certain criteria (such as the size/slope of the site, proximity to receiving waters, history of non-compliance, etc.). This has always been done in compliance with the City's MS4 (Municipal Separate Storm Sewer System) Permit ([UTS000002](#)) with the State of Utah, and inspections will continue.

However, in response to (and in compliance with) recent legislation passed by the 2024 Utah Legislature (**HB507, which became law as Utah Code 19-5-108.3 and went into effect January 1, 2025**) and 2025 Utah Legislature (**SB220, which further amended the same Utah Code with an effective date of May 1, 2025**) there are significant changes to how the City's regulatory stormwater oversight program must be conducted, such as:

- 19-5-108.3(11)(a) – Except as provided in Subsection (12), the authority shall conduct an **oversight inspection through an electronic site inspection**.
- 19-5-108.3(11)(b) – Photographs submitted for electronic site inspection shall:
 - 19-5-108.3(11)(b)(i) – include meta data verifying the date, time, and GPS location corresponding to the construction site; and
 - 19-5-108.3(11)(b)(ii) – be of sufficient resolution and clarity to assess compliance with general best management practices.
- 19-5-108.3(12) – The authority **may conduct an on-site inspection if the authority:**
 - 19-5-108.3(12)(a) – **has a documented reason** for justifying an on-site oversight inspection, which may include:
 - 19-5-108.3(12)(a)(i) – **alterations of photographs;**
 - 19-5-108.3(12)(a)(ii) – **failure to submit an electronic site inspection at the appropriate time; or**
 - 19-5-108.3(12)(a)(iii) – **the construction site is within one-half mile of a river, a stream, or a lake.**

Of particular note here is the new law's requirement for “**Electronic site inspections,**” which limits our authority (as an MS4) to conduct on-site inspections and puts the requirement on permittees **to submit (to cities) photos that are time, date, and geo-location stamped** and that **adequately demonstrate SWPPP permit compliance is being achieved.**

NOTE: This is no small effort being required of permittees and one that will require thorough, thoughtful, and comprehensive photo documentation of construction sites (and associated SWPPP compliance activities) in order to adequately demonstrate compliance on the first try, each time (monthly or bi-weekly).

One issue that arose is that the law failed to dictate how those pictures/documents are to be submitted to cities/MS4s, **so a solution had to be found.** (Emails have file size limits so email is not the best option; plus, the pictures must be thorough so there will likely be quite a few pictures for each project, far too much data for emails. Another issue is that the City cannot reasonably retain all photos for every project by the downloading of pictures, so the files must be available electronically and remain on the host platform for at least 3 years from the end of the project, for purposes of future compliance audits by DWQ/EPA.) One solution identified is as follows:

Salt Lake City currently reviews documents that are accessible electronically through any **compliance software packages, and uses those documents (including pictures) for conducting electronic oversight inspections** at projects permitted within our jurisdiction. We only ask that you provide SLCDPU-SWQ with a link (or via a QR-code) to the project's compliance documentation webpage

This will allow the City to access your project's compliance information, which we need in order to be able to conduct our compliance audits. We simply ask that you provide us with instructions on how to access your documents and pictures.

However, if you do not have a means to submit/retain them yourself, then we do have a method that will allow you to upload to Cityworks (a website that we will provide you with access to). Separate Cityworks pages will be set-up for each project and access will be given to a limited number of people at each site. If this is your preferred submission method, please reach out to 801-483-6729 to discuss.

Additionally, in order to facilitate the timely receipt and oversight inspection (think of it as an audit) of submitted compliance documentation and pictures, rather than conducting on-site inspections as we always have:

Salt Lake City (SLCDPU-SWQ) now requires you (as operators and owners of permitted construction sites) to submit current compliance documentation (including pictures) to us (or have them made available electronically, as described above) **by the 1st of each month; unless your site is a priority site, in which case it will be the 1st and 15th of each month.**

(If you're not sure about the priority status of your site, please contact stormwaterquality@slc.gov 801-483-6729.)

Those deadlines allow SLCDPU-SWQ to conduct our oversight inspections in a timely manner that meets the inspection requirements of the City's MS4 Permit ([UTS000002](#)) with the State.

The **expectation** is that the **photos** (as required by the new law [19-5-108.3](#)), and all **SWPPP compliance documentation** (that has always been necessary to facilitate an audit of your SWPPP activities and adherence to your plans and permit, as required by our MS4 permit), **must**



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be current and reflective of your actual site conditions near the time of the electronic site inspection. To ensure the timeliness of those documents, it is required that your **SWPPP compliance documentation and photos can be no older than 7 calendar days (as shown on the time/date/geo-location stamped photos).**

If you do not want to participate in Electronic Site Inspections by the City, you can opt-out by filling out an Opt-Out form (available on the City's [website](#)) and submitting that to stormwaterquality@slc.gov. Submission of an Opt-Out form will allow City staff to continue to conduct regulatory oversight inspections on-site as we always have.

There are other changes to our regulatory program that have been dictated by the new law, including changes to our enforcement capabilities (there is a small fines schedule that is allowable after 3 written warnings), but this notice was intended to focus on the inspections changes. Please let us know if you have any questions, we are here to help and want to make this transition as seamless as possible. A guidance document (available on SLCDPU-SWQ's [website](#)) has been written which will help you with the Electronic Site Inspections process.

Thank you for your time and attention this notice.

Regards,

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