Construction Permits for Small Sites
Background

Utah Construction Storm Water Permits

• Construction General Permit (CGP)
  • Covers all disturbances of one acre or greater; or less than an acre, but part of a larger common plan of development

• Common Plan Permit (CPP)
  • Covers a single residential lot with an area of disturbance less than an acre, in a common plan of development with an area of disturbance greater than one acre
Purpose

CPP meant for small home builders who construct less than 10 homes per year

• Larger builders can still utilize the permit, but managing multiple permits can be more difficult than a single CGP

Permit was designed to help small builders address stabilization efforts in semi-arid and arid areas

• 40 CFR 450.21(b) deemed not economically practicable or achievable
• Stabilization not needed on flat areas
• No stabilization required on slopes up to 20%, but does require downstream velocity dissipation
• Non-vegetative stabilization is required on slopes greater than 20%
Permit Requirement Differences

**Construction General Permit (CGP)**
- Certification required for self-inspection
- Inspection frequency
  - Once per week or;
  - Once every other week and within 24 hours of a storm event of .5 inches or greater
- Vegetative buffer of 50 feet between disturbance and surface water

**Common Plan Permit (CPP)**
- No certification required for self-inspections
- Inspection frequency
  - Once daily for trash and tracking
  - Weekly site self-inspections
- Vegetative buffer of 30 feet between disturbance and surface water
Scope of Program Size

1,479 active Common Plan Permits within the 95 MS4s of Utah
- Municipalities/jurisdictions perform pre-construction SWPPP reviews, oversight inspections, and NOT confirmation

82 active Common Plan Permits outside of the regulated MS4 Community
- DWQ performs oversight inspection and NOT confirmation
- SWPPP and self-inspections documentation are reviewed during DWQ inspections
Challenges to Compliance

• Large volumes of unpermitted subdivisions and planned communities
• Rapid expansion of population and expectations for further growth
• Combatting misinformation
• Developers not informing homeowners of permit requirements
• Relatively short construction timeframes
• No requirements for non-MS4 entities to verify or inform builders of the need for construction storm water permit coverage
Approaches to Compliance

Top Down Approaches
• Identifying relevant government agencies in a local area
• Setting up meetings and creating relationships with local officials
• Providing easily accessible and simple outreach materials

Hurricane, UT Case Study
• June 2019 Inspection Trip – 5 active permits
• Jan 2020 Inspection Trip – 26 active permits
Approaches to Compliance

Enforcement Actions

- **Expedited Settlement Offers (ESOs)** – enforcement tools that are meant to function like parking citations
  - Useful as leverage to get the attention of operators that otherwise would ignore inspections, corrections, and letters from DWQ
  - Oftentimes, financial penalties are reduced in exchange for good faith compliance efforts, meetings, and outreach to companies
- **Notice of Violation (NOV)** – traditional enforcement tool with larger financial penalties than ESOs and compliance orders attached
  - Reserved for discharges into waters of the state, surface waters, or refusals to engage with DWQ and return the site to compliance

Box Elder County Case Study

- Site with four unpermitted construction sites across one county
- ESOs reduced after company returned to compliance, hired full time SWPPP management staff member
Approaches to Compliance

Presentations at Conferences
• Southern Utah Home-Builders Association (SUHBA) coordinates with local Storm Water Coalitions to roll out new information to home-builders
• Regional contractor trainings are sometimes required by local MS4s

Continuing Education Units (CEUs) for contractor, MS4 inspector training events
• Providing incentives drives participation from actors who otherwise may not participate
• Aim is to reach the widest audience

Participation in certification programs
• Registered Storm Water Inspector (RSI), Registered Storm Water Reviewer (RSR), Registered Storm Water Writer (RSW)
• Auditing information provided at training sessions
• DWQ staff participates in training sessions and provides Q&A opportunities
• Utah Storm Water Advisory Committee (USWAC) works with training subcommittees
Moving Forward, Additional Approaches

Tracking Unpermitted Construction Sites
- Collaborating with DWQ GIS specialists
- Current permit tracking utilizes GPS coordinates of existing sites
- Hard to hide subdivisions from satellites

Landsat testing
- Currently working to see how effective Landsat can be to identify new disturbances
- Overlay existing GPS coordinates of permitted sites
- Target new disturbances without permits
- Must determine how labor intensive this process will be
Questions?

Ryan Curtin  
Construction Storm Water Program Coordinator  
Utah Division of Water Quality

rscurtin@utah.gov  
(801) 536-4368