



UTAH DEPARTMENT *of*  
ENVIRONMENTAL QUALITY

**WATER  
QUALITY**

# Construction Permits for Small Sites

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# 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

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# 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%

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# 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 and;
  - Weekly site self-inspections
- Vegetative buffer of 30 feet between disturbance and surface water

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# 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

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# 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

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# 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

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# 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



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# 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

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# 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

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# Questions?

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