

## Agenda

Date: **February 14, 2024**  
Time: 10:30 AM to 12:00 PM  
Location: This will be a hybrid in-person/virtual meeting. You may choose to attend in person or through the Zoom link below:

**In-person:**

Utah Department of Environmental Quality  
Multi-Agency State Office Building  
195 N 1950 W, Salt Lake City, UT 84116

**Virtual:**

Meeting ID: 82513954595

[Launch Meeting - Zoom](#)

Call-in numbers:

+1 669 900 6833 (San Jose)

+1 253 215 8782 (Tacoma)

+1 312 626 6799 (Chicago)

### Mission Statement

The Utah Storm Water Advisory Committee will coordinate efforts to reduce stormwater pollution and provide adequate flood control. The committee will jointly review governing regulations, disseminate information to enhance compliance with those regulations, promote effective stormwater management training, and assist local municipalities and other interested parties to implement best management practices, consistent with their individual needs and resources. The committee will also review any proposed stormwater regulations to assess potential impacts on the regulated community.

1. **Welcome** USWAC members: Tanon Mathews conducting, 2024 Chairman

### ACTION ITEMS

2. **USWAC membership roster** sign-in through Google Forms:

<https://docs.google.com/forms/d/1FRYTZIS8BRstOCfRoKj1aDwZWxaNDjNfYv31E7f5CDw/edit> (Note: Each attending member will need to fill out the form individually.)

3. **Review and approval** of the January 10, 2024, Meeting Minutes Motioned Tom Beesley:  
Seconded: Trace Robinson.

## TRAINING PRESENTATION

4. **Presentation:** *Requirements for conducting and tracking the required staff training for MS4s permit.* – Presented by Kelsey York.

## REGULATION & UPDATES

### 5. State of Utah Updates

#### a. **Jeanne Riley** –

- i. Construction general permit expires June 30th, 2024. So, we're working on the renewal. If anyone has any guidance or anything that they want to see or that they have comments let us know ahead of time, we'll certainly take the information. There'll be a stakeholder review and a public notice review, but if there's anything you want to talk about, or any suggestions let us know. Regarding NeT, you all work with it every day, we'd love to hear any input, otherwise the plan changes are very minor. We did not have NeT the last time that permit was renewed, so we'll be updating the permit to include requirements to use NeT.
- ii. There's a minor change to training. We need to have a look at the EPA and CGP and just see if there's anything that has changed. So those are our plans. There won't be any widespread changes. So, reach out to me, send an e-mail, or call me if you want to talk about this CGP that you think would be a good idea for an update, and watch for stakeholder review in the next couple of months.

#### b. **Kelsey York** –

- i. I have a couple updates. So, I've been getting some questions about DWQ's construction, MS4 oversight form and the MS4 permit. This requires that you utilize our template available on our website to conduct your oversight inspections. This doesn't have to look the exact same, but with the questions you must at least contain the question within that MS4 oversight form. Updated information is available. There were some minor references that were out of date on that form, and it's updated and available. To be clear, the references have been updated, but everything else should be the same, so it's not a major rewrite. This is just a gentle reminder that it is required, and if you do use an electronic form, it is important to make sure whenever you use that form has our template form so that you are in fact in compliance with your MS4 permit. So, if you have questions on that, feel free to reach out. Otherwise look at the MS4 website, it should be clear it's labeled as "MS4 oversight form template".

- ii. I put together a fact sheet based on our discussions a couple of months ago on stormwater, UIC wells and it goes over the requirements or the expected overlap between the MS4 permit. If you have questions about those requirements, talk to either me or Porter. It is also available on our website. Porter is also in the works of creating a guidance document, this will be more technically focused than this one is.

## 6. USWAC Subcommittees Updates

- **Long Term Storm Water Management:**

- I would like to thank the subcommittee we met several times. Definition of Long-Term Stormwater Management Plan, what it is and what it is not. The long-term stormwater management plan templates are for post construction property owner, but even more specifically the onsite property manager in house maintenance personnel and contracted maintenance personnel. It is not a design specification or a construction inspection manual. The design team does prepare the long-term stormwater management plan but is assumed that the municipals design standards, construction, and inspection specification manual will provide the important information to design construct, as well as inspect all flood and water quality systems that, after the project completion, are turned over to the onsite manager and post construction maintenance personnel. The flood and water quality system O&M details are simply put into the long-term stormwater management plan template for the benefit of the sites post construction maintenance personnel. In other words, it is understood the design team knows how to prepare an O&M manual. It is reasonable to expect that the that the design team is the most qualified to prepare the stormwater system operations and maintenance plan and its SOPs. So here are the significant updates that you'll see in the template.
- The long-term stormwater management plan is now titled Stormwater System Operations and Maintenance plan. This is because people understand what O&M means. Hopefully resulting in an increased understanding and respect for post construction regulation.
- The template is updated to provide a more descriptive explanation of what long term stormwater management regulation is and why it is necessary. There are specific language recommendations for pocket retention ponds and subsurface chamber drainage systems. These are the two commonly used practices for managing flood control and 80th percentile requirements. Stormwater system operations and maintenance plan are just a template. The design team needs to change the template language to be specific to their design, but the recommended language could feasibly cover most cases.
- It is also updated to include recommended language for managing runoff using surface low impact system designs, because the MS4 permit still requires LID to be evaluated. The flood and water quality system SOP is updated to include a means of measuring system performance and, when necessary, maintenance. Again, the design team should modify the template language as necessary to be consistent with their specific design of that of that system.

- Last, we recognized that the template would need to be modified to be consistent with your local enforcement and SWPPP program conditions. However, it is encouraged by the subcommittee that you do your best to hold the form and the general requirements as much as you can to maintain uniformity across municipalities. As you know, non-uniformity is one of developer's greatest complaints with UPDES regulation.
- This morning, the APWA webpage did not have the templates on it yet. You can go to the "about" tab and then go to "committees" and "task forces", then "USWAC" and you'll see it there. So hopefully that helps. If you have any questions, you're welcome to ask some now.
- **Training Programs:** RSI class is online. Got some feedback that we need the training immediately. So, we'll instruct LTAP to turn that switch on so that it's available for everybody to take the class. The RSW has been recorded and there is an RSW training scheduled for April 2<sup>nd</sup>. So, if there are any folks interested in the RSW class sign up on LTAP.
- **MS4 Unification Committee:** The committee will start meeting before the next use USWAC meeting. If you were engaged in the discussion today and you want to be involved with that, reach out and we can make sure that you get involved for that first meeting. Kelsey is leading and will be the contact. Please email [uswacwebsite@gmail.com](mailto:uswacwebsite@gmail.com) if you are interested or contact Kelsey York.
  - Kelsey Christensen Summit County – Who is leading the committee? Is it Kelsey York? I know she reached out to us.
    - Kelsey York – I offered to organize the first meeting and I would love to be involved; I can help organize that first meeting. As you know, the website update and standardization was our first topic of business, that is by no means the only thing that we can discuss in this meeting. So please reach out to me or Tanon USWAC Chair and we will get that on that.
    - Tanon USWAC Chair – To clarify Kelsey will not lead the meeting but volunteered to set up first meeting and at that point we will determine who will be leading that moving forward and who is chairing the subcommittee.

## NEWS & UPDATES

7. **APWA News and Updates:** Trace Robinson - The Conference committee is in full swing right now. We've got our second meeting for this year on the 20th of February, and the call for presentations should be out. And so, you if you go to the PWA website, for those of you that would like to do a presentation. The call for presentations is out also kind of an update or additional information on this RSW class that's on the 2nd of April. It will be at the Taylorsville Utah State extension campus. You should be able to register right now, I think it opened up week ago or so. It's first come, first serve. We typically had 30 to 40 people in that class. So, I think there's plenty of room. I think we've got enough room for almost 60 people. Sign up through the LTAP.
8. **Stormwater Coalitions News and Updates:**
  - Salt Lake County - Josh Mikel: No updates

- Golden Spike – Greg Seegmiller/Sam Wakeham: We've got our contractor MS4s training coming up next week, so next Tuesday the 20th. So, we're just getting everything wrapped up and prepared for that and should be good.
- Summit County - Kelsey Christiansen/Megan Haden: A really cool exhibit on snow at Swaner right now, if anyone's up in the area or send people up there, we're going to be tabling at it within the next month. We are planning our "trail trips and tunes" event and we're hoping to get Pixie and the party grass boys, which is a good band. So that'll be June 1st on National Trails Day. You want to put it in your calendar.
- Utah County - Scott Bird/ Brent Dunkley: Utah County also has our annual coalition contractor training next Tuesday, we look forward to hosting that also.
- Davis County – Steven: We are participating in that stormwater coalition as well with Golden Spikes next Tuesday.
- Southwest UT – Paul Mogle: No updates.
- Cache County – Colton Love: No updates.

**9. Other topics/ business:**

- HB 507 discussion as follows:

Jeanne Riley State General Permitting - I'm manager of the general permitting section. I think that all MS4s. Have probably been alerted through multiple channels about the proposed House Bill 507. That was proposed last week, and a substitute bill was presented last night. I wanted just to have a discussion about that bill and among those who have read it. And try to take down some comments that anyone has just so that I can bring them to the sponsor. It dramatically affects the way that stormwater is managed. In the state by the division and by municipal entities, there are some really positive things in this bill. Some things that may not work both for the division and for municipalities. So, love to hear from any MS4s who have dove into that bill and have anything that they want to communicate among the group.

Kelsey Christensen Summit County- A lot of questions. So, the three-day issuance of the permit is a stormwater permit because ours are tied to building permits.

Jeanne Riley State General Permitting - My understanding is that it is stormwater permits issued by the MS4. I know not everyone has their own stormwater permit, but many do. What do you think about that?

Kelsey Christensen Summit County - I think that could be challenging for us. We're tied to a building permit, and we give the stormwater approval of that. But there's absolutely no way they're going to get their building permit in three days. They can maybe get storm water approval, but that would be challenging for us too.

Jeanne Riley State General Permitting - I actually think when they say permit, they're referring to the SWPPP review as well. They used interchangeably permit and plan. So, my understanding is that they would want to see a three-day review of a SWPPP document.

Kelsey Christensen Summit County - I mean, we have sometimes they'll come in at 25 at a time, 50 mass swoop by the same person. That could be hard for us.

Shelby Brewer Lehi City - For cities like Lehi, we only have one person. I'm the only one reviewing our SWPPPs. I can't go on vacation for more than three days?

Kelsey Christensen Summit County - My other question is with the fees and the fines, are we supposed they're paying you guys now?

Jeanne Riley State General Permitting - I really need to jot these down. I really want to hear your comments if you can speak your name and your city when you talk, I know it was Kelsey Christensen from Summit County, but I'd really like to take down your city name, please.

Tanon USWAC Chair - Someone has a comment about the fee about collection of penalties.

Kelsey Christensen Summit County - Am I reading that right? They're going to pay you guys and then you guys pay us?

Jeanne Riley State General Permitting - - That is what the bill proposes. Yes, it is fixed at \$500. The division takes \$150 like we do now, and \$350 goes to the MS4.

Kelsey Christensen Summit County - That is really concerning for us based on the way that we manage our budget, we charge them in two different sections. I have concerns about that.

Jeanne Riley State General Permitting - Great. Thank you.

Shelby Brewer Lehi City - I have a concern with 7A where it says that municipal can't modify an application that uses the best management practices that we've submitted. So, do we basically just say these are the BMP's we've approved and then if they use those BMPs in their SWPPP, we can't request any changes to their SWPPP. What does that mean? It seems very unclear.

Jeanne Riley State General Permitting - I agree, Shelby. That's my understanding as well. Is that an MS4 submits their list of approved BMPs to the division. Those are published. If an operator uses those BMP's, a SWPPP cannot be altered. If you could tell me specifically what you think the problem is with that, tell me what your concerns are about that?

Shelby Brewer Lehi City - Well, there's certain BMP's that are applicable in certain situations. So, like there might be a BMP on our approved list, but they're not using it appropriately. And a SWPPP is a living document. So even if they list a BMP in the beginning, if that BMP is proven to be ineffective, then they need to change that.

Kelsey Christensen Summit County - Agreed. We've had multiple times where it's not working, so they can't change it to something that will work. I thought that's the whole point.

Jeanne Riley State General Permitting - Yes, agreed.

Kelsey Christensen Summit County - The section that says that we can't enforce on long term. Sorry I don't have it in front of me, I can pull it up. I'm also willing to put all this in writing for you, Jeanne, if that's easier because I have probably we'll have a lot.

Daniel Lehi City - Back to the BMP's, there's a lot of contractors that like to use the gravel bags, which I personally don't care for, but then as soon as you get snow, the snowplows knock them off and take them away. So, a lot of contractors want to switch halfway through and put in the different BMP's, so they're not allowed to change it even if the contractor wants to. And if they change it, why are they allowed to change it? But we can't tell them to?

Jonathan Bowers Herriman City - Adding to Kelsey Christensen's comment, is a little bit more about the, and maybe I'm looking at an outdated version here, but it's just stating that neither division nor the municipal system may impose or enforce post construction runoff controls. I'm curious about your office's interpretation of that. It seemed pretty significant on my end, and I just wanted to know what the States thoughts were.

Jeanne Riley State General Permitting - Are you talking about line 176?

Jonathan Bowers Herriman City - I might be looking at the wrong one, but it's 196-197 on what I'm looking at it.

Jeanne Riley State General Permitting - So, the very last line. So, my interpretation is, this is nullifying the entire minimum control measure.

Kelsey Christensen Summit County - I agree with that interpretation.

Jonathan Bowers Herriman City - That's how we understood it. I just wanted to make sure I wasn't being dramatic or anything, you know. OK, let's see what they're asking here, but that that does align with how we interpret it as well.

Jeanne Riley State General Permitting - Yeah, that is a question I have. I'm not sure it means to be that broad. But that is a very broad statement. To me, it includes everything from the retention standard, which I think is what it's aimed at, to inventory, maintenance, mapping, maintenance agreements and the whole thing.

Jonathan Bowers Herriman City - One thing I'll add to this, I do not think, nor did I interpret this, but could be interpreted by some that it could have even water quantity control impacts. Although it's not intended to state that I would assume but say a city has run off restriction requirements on quantity and this could have implications on that in an unintended manner.

Jeanne Riley State General Permitting - That's my concern as well. This is so broad that it includes city requirements for retention, for downstream quantity and could lead to potential flooding concerns in addition to water quality concerns.

Kelsey Christensen Summit County - Also, a question on we can't be more stringent than federal or state rules. We are more stringent in our code currently. Is that taking that away? And is that legal?

Jeanne Riley State General Permitting - I believe that's the goal of the legislation, yes.

Kelsey Christensen Summit County - Is that legal?

Jeanne Riley State General Permitting - If the bill is passed, then it would be.

Kelsey Christensen Summit County - OK, I'll add that to my list of concerns.

Matthew Salt Lake City - He says they have a long list of comments we can share with the group's, main concerns with the three-day permit issuance timeline imposed, enforcement procedures, inability to collect funds from fines and post construction altogether.

Jeanne Riley State General Permitting - That's great and hopefully you all received the message from Tanon USWAC Chair that if you have concerns and anything that you feel is positive in the bill please reach out to the Utah League of Cities and Towns. We really need to hear from you immediately with your list of what you like and what you cannot work with in the bill. Please by today would be great.

Unknown - I have one more thing that I don't understand is line 174 where it says the division, or a municipal system shall conduct a site inspection using an electronic site inspection tool, unless the division has clearly documented a reason justifying why a specific construction site requires an onsite inspection. Is that saying that we can't be doing onsite inspections unless there's a documented reason why we need to?

Am I misunderstanding what that line means?

Jeanne Riley State General Permitting - I think your understanding correctly is that there must be a reason, a documented reason to conduct an on-site inspection. I'm not sure what the electronic site inspection tool is. I'll tell you I have been talking to members of the legislature who are interested in developing an electronic inspection tool using AI. I do think that is where we are headed in the future. I don't know that a robust enough tool exists currently, to conduct all inspections electronically.

Kelsey Christensen Summit County - Is this rewriting your guys' permit?

Jeanne Riley State General Permitting - It would.

Kelsey Christensen Summit County - Can you require us to do monthly inspection?

Jeanne Riley State General Permitting - We would be required to rewrite all the permits and all of our rules, yes.

Kelsey Christensen Summit County - So would we. I guess Matthew made a comment I don't have a whole lot of positive things. I'd be curious what everyone else thinks are positive from this. I do get that standardizing the BMP manual is a good thing, but I think we can undertake that with the Unification Committee, not with this bill. I'm curious. Whatever anyone else thinks are positive about the bill. Including you, Jeanne.

Matthew Salt Lake City - The most positive component is the requirements for standardized BMP manual. I think USWAC should undertake this effort.

Jeanne Riley State General Permitting - That is my positive take away. This was, you know, something I proposed to you USWAC a couple of months ago. That we try to develop some sort of standardized platform for collecting information from cities. This is, looking at the problem that I know the sponsors are trying to solve and that is consistency across MS4s. An idea I had was to try to collect that information in one place, which I think we're going to work on. So, this is kind of a takeoff on that I believe. The other positive I saw, I'm not sure how this would work, but the collection of penalties for education. If that can be

done, right now you know any penalties that we collect as the state, go into the general fund. So, I think that would be a great thing to be able to earmark those penalties for education. You can always use more. Those are the two aspects I found positive.

Kelsey Christensen Summit County - We have contacts at the league of Cities and Towns that will all get in touch with today. What else can we do?

Jeanne Riley State General Permitting - Contact your legislator for your city and then let me know right away. Does anyone else have any comments from any other cities?

Alex Widowski Greater Salt Lake Municipal Services District - What do you know, what's the general appetite for this for this bill? Do we think that it's going to pass? In its current state.

Jeanne Riley State General Permitting - I don't know. It's not out of the rules yet. I can't say I may have more information today, but.

Kristi Richards St George City - I agree with everything that's been discussed. So, I don't want to add more time with that on line 111. It also talks about that they have at least not less than five business days to clear that violation. If I have a porta potty that's tipped over, I'm not giving them five days. If I've got track out that's significant and it's due to rain tomorrow, I'm not giving them five days. Another one of my concerns is that it depends on the nature of the violation with the ability of time that they need to fix it.

Jeanne Riley State General Permitting - Yes. Agreed some deficiencies need correction immediately. Five days will not cut it.

Joshua Hill Murray City - Following up on what Kristi just said about the timeline on violations. If I understand this correctly. You impose a timeline of five days and then go and reinspect, if it fails that inspection, then there's another three days reinspect another three days reinspect your timeline is getting so long. Your projects are done before you can actually take any enforcement.

Jeanne Riley State General Permitting - There was a modification that the substitute bill submitted last night. It shortened that up a little bit. It took out that additional 3 days but it is still 5 days reinspect if not corrected then a penalty then an additional, five days reinspect if not corrected penalize higher and then another five days so. They reduced it, it took out that extra three-day response, but there's still a five-day window between escalating enforcement. I'd love to hear more about it from MS4s. About escalating enforcement, the \$300, \$500 \$1,000. How does that work with what you currently do, is that something you could live with? Is that problematic?

Kelsey Christensen Summit County - I think it's problematic for what we're doing. I mean, I think the whole bill is completely changing our entire program.

Unknown - With the way it is, it's like 14 days before we can even issue a stop work order and then they have this vague line that we can issue one earlier if we have a good cause. But it doesn't say what a good cause is.

Kelsey Christensen Summit County - It completely changes our code as currently written, which is really problematic for us.

Jeanne Riley State General Permitting - OK, that's something I haven't thought about is the impact to ordinances. Yeah, that would require ordinance updates for almost everyone. Is that correct?

Kelsey Christensen Summit County - That's how I'm reading it, and we just did it. It's not fun. Everyone knows that. This would be hard to pass our Council. I guess we'd be forced to.

Jeanne Riley State General Permitting - I hear frequently that stop work orders can sometimes be more effective than issuing penalties.

Kelsey Christensen Summit County - 100% in our case.

Jeanne Riley State General Permitting - I'm seeing nodding on that. The stop work order requirement was mainly for what? One issue I saw was for public health concerns, now we all know that we are doing this for water quality. So, the lack of water quality concern in that line, to me was an issue, but I'd love to hear how people are using stop work orders and if this proposed bill changes the way that you're using those.

Daniel Lehi City - I usually don't have to stop work orders for bigger construction the CGP's. I use them more for common plans because we'll get guys in there that don't know what they're doing, or they just get lazy and don't conduct their inspections and they're not updating things and they're not correcting the action items fast enough and I'll give them two or three written warnings and plenty of chances and texts and everything else. And then when they don't comply, I come in and do a stop work order because that will affect that small guy a lot more than \$1,000 fine, because if I issue them \$1,000, fine, all they're going to do is jack the price up on the guy that's buying the house from them, and then it doesn't matter to him. Who cares? I shut him down for two or three days now the homeowner is upset with them, plus all their contractors, their subs are mad at them because they're shut down because they're not getting paid. So for us it is way more effective to stop work order than a fine.

Kelsey Christensen Summit County - I agree we have contractors that paying the fines, nothing to them stopping their work is the only way we can get them after bugging them for over and over again to be in compliance. It is our most effective tool.

Daniel Lehi City - You have a multi \$1,000,000 project out there that has all these companies who have three different subs working all at once. You send them home, all those subs are mad at the general, the developer because now they're all sent home, and they can't get paid. So, they're all upset shutting the company down to me is far more effective.

Jeanne Riley State General Permitting - But the way that it's written right now is for public safety or for another good cause. That's pretty vague because we could all shut anyone down for anything, in my opinion.

Daniel Lehi City - And so, you cut down a big enough company that wants to push back and then they say no, they can't, and they go and change it. So that's where a good cause is not a good definition. We need something better than that.

Ryan Curtin Erosion Control Services - Oftentimes too, if I'm understanding correctly, capping out penalties of \$500 means that it is literally quite less expensive for a lot of routine fixes to literally pay the fine, do nothing, and then scam the time for fourteen or seven days or eight days or whatever it is, we've created a perverse incentive where it is literally less expensive to comply with the permitting than it is to actually do the right thing.

Jeanne Riley State General Permitting - Now the fees are \$300, \$500, and \$1,000 but yes you're saying it's less expensive to just pay those fees than to comply with that.

Ryan Curtin Erosion Control Services - Unless they compound. But that's also assuming that those time frames in there are going to match up, and they haven't just moved on to the next thing.

Crystal Polson North Ogden City - That be my positive too. It has the potential to create a more uniform process, but I think that is something we could handle on our level without requiring a bill to accomplish it.

Aaron Roberts Mill Creek City - Millcreek has the same concerns that have already been raised by others. We will reach out to our legislatures as well as to ULCT, especially our mayor who's on board.

Crystal Polson North Ogden City - In North Ogden our stop work orders process is similar to Lehi.

Kyle Jensen Linden City - I agree. That stop work orders are very effective to have action items corrected. Our process is also similar to Lehi's.

Carlos Garcia Provo City - Provo had a has a similar process. It seems as though some contractors take advantage of knowing that it takes a few fines and violations before it gets to the stop work order stage, and they pay the fees just before anything is issue.

Jeanne Riley State General Permitting - Any other city?

Jeff McAllister Eagle Mountain City - Our most effective tool really is an inspection hold where we just put the project on inspection hold. They can't get any inspections from the building department or the engineering department. The way I read this, that wouldn't affect anything, we would still be able to do that. Is that correct?

Jeanne Riley State General Permitting - I don't see anything in here about inspection halts, no. Do you have anything Eagle Mountain City? Do you have anything to add about the bill?

Jeff McAllister Eagle Mountain City - Yeah. Just, I mean, just the same concerns that everybody's brought up, I think we're, we're equally as concerned with all the issues that have been brought up so far.

**Unknown** - Seems like Eagle Mountain City found a loophole. You just call it an inspection hold instead of a stop work order, in my opinion.

Jeff McAllister Eagle Mountain City - That essentially that's what it is. However, they can still continue to work, and their subs are not shut down, but once they run up against an inspection, then everything comes to a halt until those action items are corrected.

Tyler American Fork City - I shared the same issues that everybody else is having. I feel like this takes away a lot of authority from the MS4 and creates loopholes for developers or small fines and I'm not in favor of this bill being passed.

Pleasant View City - We have the same concerns Salem City uses. Stop work orders. It's the only and most effective way to get corrections completed when pushed by contractors.

Hillary Venable West Valley City - We have the same concerns

Aaron Roberts Mill Creek City - This bill effectively ties all of our hands to having any specific requirements to our very unique city/state situations.

Colton Providence City - We have the same concerns to others have said.

Kristi Richards St George City - On line 36 and 37. Are they trying to get rid of UPDES permit and just go with the NPDES permits?

Jeanne Riley State General Permitting - Sorry, can you tell me what that line says?

Kristi Richards St George City - It just says the board may not make rules or requirements for permits that are more stringent than corresponding federal regulations for the purpose of description. Unless the board makes a written finding after public comment and hearing based on evidence in the record that the corresponding federal regulations are not adequate to protect public health and the environment of the state? Are they trying to get rid of the UPDES permit and just stick with the NPDES?

Jeanne Riley State General Permitting - No, but they want them. I believe the sponsor wants the state permits to be in line with Federal. Which they largely are.

**Unknown** - Who's the sponsor of this?

Jeanne Riley State General Permitting - Alvin Musselman.

Brent Dunkley Springville City - We have the same concerns as all others, changing city ordinances is not feasible. Stop work orders work the best.

Danny Spray Orem City - Orem uses the stop work orders as much as the citations to get compliance sooner than later.

**Addison Mitten?** - We echoed the same concerns already brought up about the proposed bill, especially time frames and the umbrella statement at the end of the bill nullifying any DWQ/municipal authority for post construction, storm fall, stormwater quality and perhaps quantity. Also, similar experiences on stop work orders.

Rawlins South Jordan City - We have the same concerns. All the others, we specifically have concerns with the stop work orders.

**Unknown** - We should just have the HBA create our stormwater management plan so we can comply with who's actually running the legislation. I said what I said.

**Unknown** - The Great Salt Lake drainage basin pretty much goes down all the way to Cedar City. Is that correct, Jeanne?

Jeanne Riley State General Permitting - That line affects all MS4s except the four in Washington County. So, 92 MS4s.

Lynn Logan City - I have a question on line 87 and 88. It says a municipal system shall issue a permit to the applicant within three business days after the day on which the applicant submits the application. Does that mean that you cannot reject it because it says you shall approve it you shall issue it.

Jeanne Riley State General Permitting - Yeah, that's right. It would need to be worked out. Any changes within three days.

Lynn Logan City - I'd also like to comment that three days turn around on a permit review is unreasonable.

Lehi City - That seems like it's tailored to the contractor. Whoever's drawn up the SWPPP. If we write back a response within one day, Shelby reviews ours here at Lehi, and I've seen a week later, finally, they get back to her. So now it's out of that time frame and they don't have to fix our corrections because they drag their feet. That seems incredibly unfair.

When there's new legislation that plan reviews have to be done within, you know, 14 and 21 days depending on if its first review and subsequent review. So, I think this inconsistency with that whole plan review timeline is irrational.

Jesse Smith Payson City - Payson City uses stop work orders and this works the best in ours.

Kelsey Christensen Summit County - Jeanne, would it be beneficial to reach out to the EPA if we have contacts there on their thoughts of this? Just a thought.

Jeanne Riley State General Permitting - Are you asking if you could reach out to EPA?

Kelsey Christensen Summit County - I'm just curious what the EPA thinks about this. It seems against their general theme of water quality.

Jeanne Riley State General Permitting - There are a couple points in the bill that are very problematic with Utah's designation of the Clean Water Act, particularly the final line. The two major issues are that the Clean Water Act requires that the states MS4s permits include the post construction, long term stormwater management MCM. And also, that MS4s regulate construction sites, those are our two issues with the delegation or the Clean Water Act to the state of Utah.

Ryan Curtin Erosion Control Services - One more question. If the bill were to pass as is, would this prompt EPA to revoke it?

Jeanne Riley State General Permitting - Theoretically.

Kyle Jensen Lindon City - When reviewing a SWPPP submission it's quite rare that a contractor will make any necessary changes to their own document within three business days. I agree that the three days turn around time unreasonable.

Unknown - We find that the contract or developer will also need to be held to a higher standard as cities are receiving multiple SWPPP reviews. That seems to have no good recourse when red lines have been submitted.

Jeanne Riley State General Permitting - In terms of the three days turn around, I believe what the bill is saying is that changes cannot be made to a SWPPP if the BMP's selected are on the list of the MS4 submitted BMP list. So, I think that's what is supporting the three-day term.

Shelby Brewer Lehi High City - But there's more to a SWPPP than just the BMP's. Like, what if they didn't sign it? What if they didn't include their delegation of authority like there's more than just BMPs to a SWPPP.

Jeanne Riley State General Permitting - Very true.

Ryan Curtin Erosion Control Services - What would the purpose of a review be if there's an obligation to pass it with no amendments to be made? Is that not just functionally eliminating the purpose of the review.

Jeanne Riley State General Permitting - Yes, I believe the goal is standardization. I mean, if you think about, the goal of making it more standardized, more consistent, easier for say operators to go from city to city. You know submitting their SWPPP and getting permits. I believe that's what this bill is trying to achieve.

Ryan Curtin Erosion Control Services - If that's the case. It seems to be wildly missing its mark by not allowing the MS4s to have some kind of say in what's going on within the jurisdiction.

Jeanne Riley State General Permitting - I think the way they're trying to address that is by having the approved BMP list submitted to the division and then operators go to that list, use that list. And the idea is that there should be no modifications needed to a SWPPP, if you're using that list. I'd love to hear any issues with that when you think about it that way.

Unknown - Well, there's some areas where drop inlet bags are more suitable and other areas where you know rock bags are or the maintenance problem with them, or that's previously mentioned. So, each site and area and part of town can have different BMP's that work better or function better in different areas. So just to have things on a list wouldn't mean it's ideal for a particular project.

Jeanne Riley State General Permitting - Are you saying that this process takes away any kind of site-specific characteristics for BMP selection. Just because it's on a list doesn't mean it's the right BMP for that particular site?.

Unknown - 100% thank you.

Kelsey Christensen Summit County - Also, what if the BMP that they selected isn't working? They aren't allowed to change it? So, we're just going to let it not work. Because it's what they selected. It's crazy at me.

Jeanne Riley State General Permitting - Yes, that's my concern as well.

Kelsey Christensen Summit County - The last time they did this, a bill, I forget which one it was. It did end up passing and it wasn't well written. I think we can all agree that maybe this is not well written by someone that's running an MS4, but it did pass. I'm really concerned about this and reaching out and letting people. Know what they're actually voting on.

Jeanne Riley State General Permitting - If you are concerned. I recommend that you reach out immediately.

Kelsey Christensen Summit County - I think everyone needs to.

Aaron Roberts - Mill Creek City - So, I just spoke with our mayor who's on the board with Utah League of Cities and Towns, they're very opposed to this, but they need comments from all of us. So, if you can, I mean anyone that has comments about it, negative, positive, whatever, reach out to whoever at Utah League of Cities and Towns because they're compiling a big list of things to take it to the legislature. So, they just need that sooner rather than later.

Kelsey Christensen Summit County - I'll just remind everyone to motivate them. How much work this is going to be for us, all of us, if this passes. A massive amount of work.

Unknown - I'd also like to know if there's a way to get the video. I know we're taking notes and stuff, but if there's an accessible video recording of this meeting would be a lot easier for me to discuss this with the attorneys and public officials, it might be more impactful. Note you know nothing about how this is affecting all of MS4s. Is it possible to get the recording of this out sooner than later?

Kelsey Christensen Summit County - I agree.

Jeanne Riley State General Permitting - Yes, the meeting is recorded and I'm getting nods that they can get it out sooner than later.

Tanon USWAC Chair - Yes, I can send it out to the USWAC email list as soon as I get it. I usually get it about by the time I get back up to the city. So, I'll make sure I send that out.

Tyler American Fork City - Again, the other really big concern I have is that I know a couple of MS4s that have recently done code rewrites and that's an expensive spend for an MS4. Getting an attorney to come in and help you do a rewrite and having to do that again was just not financially feasible for a lot of MS4s.

Jeanne Riley State General Permitting - I think that adding any kind of financial component to your comments if you can quantify what the fiscal impact is, I think would be helpful to your comments.

Tyler American Fork City - For the code rate rewrite, it was around \$100,000 for our attorney to come out and help do the code rewrite. So, to do another \$100,000 just after doing that as quite the financial hit for a smaller MS4s.

Kelsey Christensen Summit County - I will add the financial hit. They could charge more than what they allowing us to right now. This will completely affect our budget and our general fund significantly.

Tyler American Fork City - And if you read all the fines that they may impose on the state, you don't get the money, you get it. You don't get any actual money out of any of the fines. So, what benefit defines go for the city?

Kelsey Christensen Summit County - Right. It's how we fund our program right now because we don't charge, we don't have a way to charge citizens.

Tyler American Fork City - It says you cannot charge them.

Jeanne Riley State General Permitting - Question does where do penalties, fines collected go to? Typically, in cities is that into your general fund or is that earmarked for stormwater? Where does that go?

Kelsey Christensen Summit County - For us, everything goes in the general fund and then we have to beg for money during budget. I think other municipalities are different though.

Ryan Curtin Erosion Control Services - For programs that do fund primarily through fines as well, what this is going to do is push all that costs towards stormwater utilities, which are one of the few things not touched by the bill, which means that your average residential cost for stormwater utilities, of which they'll get less protection, less funding, more impacts to them and their resources and their community. And their prices are going to go up. This is completely negative for the average homeowner. Average residential homes are within one of these systems as well.

Jonathan Bower - Herriman City - I am just asking for some clarification here. I heard that fines would not be allowed under this, but as I'm reading it, it appears that it does and actually does unify this. Am I missing something?

Jeanne Riley State General Permitting - I think the bill unifies the penalties to \$300 escalating of \$500 then \$1,000.

Jonathan Bower - Herriman City - Yes, that's my understanding as well. Thank you.

Unknown - But only the state collects it and then you get credit for education later as an MS4.

Jeanne Riley State General Permitting - That's right. Does anybody have any more comments about that? I mean, is this a big financial hit for cities to not have those fines? Please respond with your city and let me know what that means for you.

Kelsey Christensen Summit County - That does impact us because we've spent a long time getting our MS4s program, we just increased our fines because we think we've educated our contractors, so we've been issuing more and that comes back to our fund. This is a huge financial impact for Summit County.

Orem City - Just spent the time to update and rewrite the codes to keep our program in compliance to have to do all that work again would be ridiculous and expensive as well.

Crystal North Ogden City - Our building permit collects a stormwater impact fee and our fines collected go into our general fund as a smaller MS4, we don't have a specific SWPPP fee registered developers or single lot builders.

Salem City - That's how small-town Salem funds me pretty much. I'm a one-man band. Looks like I'll be looking for a job. Huge financial hit.

Hillary Venable - West Valley City. Yes.

Alex - with the MSD - We just did a fee study this past year and so we had aligned our fees with that, and this could change those things for us as well.

Unknown - So quick question on the on line 96 and 97. When it talks about the division shall collect it through \$500 for each SWPPP or preventive plan issued and send the applicable municipality \$350. So, is that in lieu of the \$150.00 NOI fee?

Jeanne Riley State General Permitting - The state would collect \$500 per permit. And then \$350 would go to the MS4 and \$150 would stay with the state. You know all that we do here. So fixing fees and statute is problematic for many reasons. You know that the fee of \$150 has been \$150 for 10 years. So, we have proposed for this budget year tiered fee increases. So that would obviously not happen if this bill were passed. But yes, \$350 would be fixed in statute. You know the MS4s would get \$350 per permit.

Tom Beasley - Riverton City - We agree with all municipal concerns that have been listed so far, the term of this bill is going to result in non-containment of construction impacts. Also, neighbors to these construction projects are not going to be happy because it's not going to be able to be controlled and managed.

Washington Terrace City - We had a lot of the same concerns as well, and we were talking about.

Thomas Wynn Saratoga Springs - I have my attorney that wants to just verify the House bill is HB 507. Is that correct? Amendments to that 7 is that the, correct?

Jeanne Riley State General Permitting - House Bill 507, substitution one, was made last night. Make sure you're looking at substitution 1.

Thomas Wynn Saratoga Springs - He was looking at firearm permits and things of that nature. Just wanted to verify the 507 with the substitute one.

Jeanne Riley State General Permitting - That's correct. I've not heard that there's been a new substitution yet.

Tanon USWAC Chair - So yeah, when I was looking it up this morning, I think there was one from last year from 2023 with a similar name. But yes, it's the one from this year.

Jeanne Riley State General Permitting - It's called construction amendments with Cal Musselman who was the sponsor.

Thomas Wynn Saratoga Springs - I don't see the updates to that this one, the one that's posted on the Utah State Legislature site, looks to be the same one that was the other day. Do you know, Jeanne? If the updated one is available somewhere?

Jeanne Riley State General Permitting - It is, we could try to get that out to the distribution you know within a bit. So, if you go to the original I think it was about 5:00 last night. If you searched maybe HB507SO1. That's how it's referred.

**Unknown** - I think if you go to the link that Tanon USWAC Chair - sent out last week on the right side of the page down about midway it talks about the substitution and the link to the substitution. There's also a link to a comparison between what was in the original bill and the substituted bill.

Thomas Wynn Saratoga Springs - OK. Thank you.

Jeanne Riley State General Permitting - The changes are not super significant, and the original bill had a discussion about weekly inspections that was very confusing because there is no requirement for weekly oversight inspections that was removed. But the new section on, I think it's 13 on inspections is also confusing because it's mainly talking about oversight, inspections and that they can't be more than monthly. You know obviously will require a permit change because we do monthly or biweekly if priority. And then the next line talks about the requirement for applicants to conduct inspections via electronic inspection tool. So, I'm not sure if it's saying that the applicant will do the inspections. I'm confused about why an applicant would use an electronic inspection tool when they're onsite all the time. I'm not sure if that means that they're going to submit their weekly or every other weekend after 1/2 an inch of rain by electronic inspection tool to the oversight authority. I'm not really sure about that. I'm going to try and get some clarification.

Tanon USWAC Chair - They're also links that have been sent in the chat to that the revised information.

Jeanne Riley State General Permitting - Thank you all and again, please reach out to the League and to your member of the legislature via, your mayor or city manager. What do you think are the positives of this bill? What can work for you, what do you think is a good idea? Any concerns you have about the bill? And sooner rather than later, please.

North Ogden City - On the S01, I'm concerned that a fine can't be imposed if an approved BMP is in place. BMP maintenance is part of the SWPPP and if they fail there needs to be a recourse.

Tanon USWAC Chair - Thank you everyone who contributed to that discussion. This is pretty significant. Any other updates from the state? On anything else? Let's move to State updates.

**10. Public comments or questions:**

**11. ADJOURNMENT** – Motioned Dan Woodbury, Seconded Kristi Richards

**Note:** This link will take you to the new USWAC webpage. You will find current meeting minutes, Agendas, etc. [Utah Storm Water Advisory Committee \(apwa.net\)](https://apwa.net)

**Next meeting:** Wednesday, March 13, 2024