

Meeting Minutes

Date: April 2025

Location: This will be a hybrid in-person meeting. You may choose to attend in person or through the Zoom link below:

In-person:

Boardroom 1015
Utah Department of Environmental Quality
Multi-Agency State Office Building
195 N 1950 W, Salt Lake City, UT 84116

Virtual:

Meeting ID: 864 5719 0098
Passcode: UtahSWAC1!
[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.

Welcome USWAC members and all attendees.
Charles Davenport conducting, 2025 Chairman

Meeting Summary

1. Approval of Previous Minutes

- **Motion to Approve:** Paul Taylor moved to approve the March meeting minutes.

2. Presentation: Senate Bill 220 (SB 220) - Jean Riley

Jean Riley, Environmental Engineer and Manager of the Utah Division of Water Quality (DWQ) General Permitting Section, presented updates on SB 220, signed by the Governor and effective May 7, 2025. The bill amends the Utah Water Quality Act, introducing changes to stormwater management and enforcement.

Key Changes from SB 220

- **Statewide Application:** Applies to all authorities (DWQ, MS4s, and construction sites) statewide, not just regulated MS4s.
- **SWPPP Review Timeframes:**
 - MS4s must review Stormwater Pollution Prevention Plans (SWPPs) within **14 business days** of receipt.
 - If revisions are needed, MS4s must provide specific permit citations and written descriptions of deficiencies.
 - Resubmitted SWPPs must be reviewed within **5 business days**.
 - MS4s must notify operators in writing when SWPPs are approved.
- **Electronic vs. On-Site Inspections:**
 - Oversight inspections are electronic by default unless:
 - Operator opts out (opt-out forms recommended).
 - Photos are altered or not submitted on time.
 - Site is within 0.5 miles of a river, stream, or lake (optional justification for on-site).
 - Federal sites (e.g., Hill Air Force Base, UDOT) are exempt from electronic inspections.
 - On-site inspections require documented justification.
 - Photos for electronic inspections must be high-quality, include metadata, and assess BMPs.
- **Enforcement Process:**
 - **Escalating Enforcement:**

- First written warning cites specific permit violation, allows **minimum 1 business day** for correction.
- Second written warning (if not corrected) gives another business day and warns of fines.
- Third written notice (if still not corrected) may result in administrative fines.
- **Fines:**
 - Per occurrence, per day, tied to specific permit violations.
 - Examples: \$250 for failure to clean spills, \$300 for track-out, \$500 for BMP failure or missing inspections.
 - Fines must be issued within **30 days** of violation correction and placed in a restricted account for education/outreach.
- **Stop Work Orders:** Allowed only for immediate threats to water quality (e.g., active pollutant discharge). Not permitted if preferred BMPs are installed and maintained correctly.
- **Cost Recovery:** Allowed for imminent threats to water quality or storm drain systems.
- **New Definitions:**
 - **Authority:** Includes DWQ (outside MS4s) and MS4s (within regulated areas).
 - **Imminent Threat:** Used for cost recovery.
 - **Immediate Threat:** Used for stop work orders.
- **Other Provisions:**
 - MS4s receiving runoff from another MS4's construction site (e.g., Salt Lake County projects in other MS4s) conduct inspections and hold maintenance agreements.
 - Post-construction maintenance agreements apply to developments >1 acre, held by the receiving MS4.

Implementation Plans (DWQ)

- Add electronic vs. on-site inspection options to Notice of Intent (NOI) forms (target: within a few months)
- Email operators about changes and electronic inspection options.
- Publish preferred BMPs on DWQ website.
- Update inspection/enforcement SOPs and adapt penalty templates for direct fines.
- Review USWAC tools (e.g., enforcement SOP, flowchart) for updates.

Discussion Highlights

- **Fines for Repeat Violations:** Each occurrence (e.g., track-out, unstaked portable toilets) starts a new enforcement cycle, even under the same permit. MS4s can suggest alternative BMPs if preferred BMPs fail repeatedly.
- **Consistency vs. Flexibility:** MS4s may tweak BMP lists for local conditions but are urged to align with USWAC's statewide manual for consistency.
- **Ordinance Changes:** MS4s need to review local ordinances to ensure authority to issue fines. Some (e.g., Salt Lake City) have broad language, while others may need updates.
- **Education/Outreach:** Fines fund education programs for construction operators, potentially at MS4 or coalition levels.
- **Challenges:**
 - Operators may prioritize project deadlines over SWPP compliance, accepting fines as cheaper than stop work orders.
 - MS4s cannot halt other inspections to enforce stormwater compliance unless specified in local code.
 - Multi-lot permits (e.g., CGP covering 20 lots) face fines per occurrence, not per permit.

3. State Updates

- **Kelsey Christiansen:** No updates.

- **Jordan:** No updates, but available for MS4 inspector training. Common Plan Permit renewal in ~6 months; suggestions welcome.
- **Carl:** Grant recipients notified; thanked applicants.

4. Committee Updates

- **Long-Term Stormwater Committee (Tom Beasley):** Working on updates to remove duplications, not yet ready to present.
- **MS4 Unification (Matthew Hendricks):** No recent meetings; will review updates post-meeting based on SB 220 changes.

5. APWA Update (Trace)

- Recent RSW class had ~21 attendees.
- Another class planned for June/July.
- Call for presentations open for upcoming conference; submit via APWA Utah website.

6. Coalition Updates

- **Salt Lake County (Josh Mikel):** No updates.
- **Golden Spike (Paul Taylor):** Water fair expanded to 3 days but saw fewer sign-ups.
- **Summit County (Kelsey Christiansen):** Planning water fair, Trails Trash & Tunes event (May 31), and contractor training with Park City Home Builders Association.
- **Utah County:** Completed 3-day webinar with positive feedback.
- **Davis County (Drew Howard):** Water fair for 5th graders on April 22-23.
- **Southwest Utah (Kristi Richards):** School districts hosting 6 weeks of bi-weekly field trips discussing stormwater, water quality, and illicit discharges.
- **Cache County (Tyson Holden):** Reviewing BMP list for coalition consistency.

7. Public Comment

- No additional public comments.

Action Items

- **MS4s:** Review local ordinances for fine authority; update if needed.
- **DWQ:** Implement NOI changes, publish BMPs, update SOPs/rules.
- **USWAC Committee:** Update enforcement SOP and flowchart (meeting post-session).
- **Coalitions:** Continue education/outreach and align BMP lists with state template.

Adjournment

- **Motion to Adjourn:** Tannen.
- **Seconded:** Tom Beasley.
- **Next Meeting:** May 14, 2025.