

# **Standard Operating Procedure for MS4 Construction Oversight**

## **Inspections of Permitted Construction Sites SOP**

Last Reviewed: May 07, 2025

### Introduction

This SOP was written for Utah MS4s to help them meet the requirements of their [MS4 Permit](#) and to provide guidance to abide by Utah State Code. This SOP references the *Construction Site Storm Water Runoff Control* section of the MS4 Permit. The overarching goal of this SOP is to standardize storm water construction program practices across all MS4s in the State of Utah.

From **Utah Code [19-5-108.3](#)**:

“The applicant shall allow construction site inspections by the authority. Except as provided in Subsection (12), the authority shall conduct an oversight inspection<sup>1</sup> through an electronic site inspection<sup>2</sup>.”

“The authority may conduct an on-site inspection if the authority: has a documented reason for justifying an on-site oversight inspection.”

To differentiate between the two types of oversight inspections, the terms “on-site oversight” and “electronic oversight” inspection are used.

- “On-site oversight inspection” is an inspection in which MS4 staff physically visit(s) a construction site to determine a site’s compliance with construction storm water permits as has been done historically.
- “Electronic oversight inspection” is an offsite inspection in which MS4 conducts a review of the operator's submitted electronic site inspection to determine a site’s compliance with construction storm water permits.

Each of these types of oversight inspections will be described in the *During Construction* portion within the *Process* section of this SOP.

### 1. Purpose:

The purpose of this SOP is to describe how all MS4s will conduct inspections for construction sites that require construction storm water permit coverage under the Construction General Permit (CGP) or Common Plan Permit (CPP). For purposes of this SOP, “operator” means the person responsible for the Storm Water Pollution Prevention Plan (SWPPP) implementation.

### 2. Responsibilities:

Each MS4’s permit staff are responsible for implementing the requirements and may not differ from this SOP. The operator is responsible for abiding by all requirements of the UPDES CGP or CPP, and the MS4 is responsible for oversight.

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<sup>1</sup> “Oversight inspection” means a construction site inspection performed by the authority to impose compliance with the permit. (Utah Code 19-5-108.3)

<sup>2</sup> “Electronic site inspection” means geo-located and time-stamped photographs the applicant takes, evaluates, and submits electronically to the authority. (Utah Code 19-5-108.3)

- The position responsible for oversight inspections is the [\[insert position title\]](#).
- The position(s) who has authority to implement enforcement procedures is [\[insert position title\(s\)\]](#), as well as the Division of Water Quality (DWQ).

This SOP is to be followed and updated according to State and municipal requirements.

### 3. MS4 Permit Requirements:

1. Oversight Inspection
  - a. Required to be completed by the MS4 on any construction site that is greater than or equal to one acre or is part of a common plan of development or sale which collectively disturbs land greater than or equal to one acre.
  - b. MS4 must inspect all phases of construction, including prior to land disturbance, during active construction, and following active construction.
  - c. Oversight inspections are required to be completed monthly for non-priority construction sites and biweekly for priority construction sites.
2. Qualified Personnel
  - a. The oversight inspection must be performed by a “qualified person” as described in the DWQ MS4 Permit.
  - b. Anyone having a job duty related to implementing the construction storm water program must receive annual training. New hires must be trained within 60 days of hire.
3. Record Retention
  - a. All MS4s must maintain records for at least five years of all applicable construction project documents which could include:
    - i. Site plan reviews
    - ii. SWPPPs
    - iii. Inspections
    - iv. Enforcement Actions (notices of violation, fines, stop work orders)

### 4. Process:

1. Pre-construction
  - a. The MS4 will perform a pre-construction SWPPP review and meeting which at minimum will include:
    - i. A review of the site design
    - ii. Planned operations at the construction site
    - iii. Planned Best Management Practice(s) (BMPs) during the construction phase
    - iv. Planned long-term storm water run-off BMPs
    - v. Documentation:
      1. [SWPPP Review Checklist](#): Document the SWPPP Review Checklist through [\[insert method of record retention used within your MS4\]](#)
      2. Pre-construction Meeting: Document the meeting [\[insert method of record retention used within your MS4\]](#)
  - b. The MS4 will determine the frequency at which oversight inspections will be performed.
  - c. The MS4 must provide the operator the procedure for notifying the MS4 of their completion of active construction.
  - d. The MS4 will perform a pre-construction electronic oversight inspection or on-site oversight inspection with the operator(s).

- i. This pre-construction inspection must occur before land disturbance and will verify that the operator has placed all site specific construction BMPs prescribed by the SWPPP.
  - ii. Documentation:
    - 1. Pre-construction inspection: Document the inspection through [\[insert method of record retention used within your MS4\]](#)
  - e. The operator should be notified of the option to opt-out of electronic site inspection requirements and signify that election to the MS4.
  - f. The operator will submit a Notice of Intent (NOI) through the NeT NPDES eReporting Tool online (NeT) *before* earth disturbing activities.
2. During Construction
- a. Electronic Oversight Inspection
    - i. The MS4 will perform the required electronic oversight inspections through access to the operator's SWPPP, electronic site inspection(s), and operator's self inspection(s).
      - 1. The operator's report must use geo-located and time-stamped photos of all BMPs implemented at the construction site.
      - 2. All photos must be sufficient to depict that the BMP(s) is meeting its proper function to eliminate or control pollutants on site.
      - 3. The operator's report should show compliance with the CGP or CPP if applicable, and the site specific SWPPP.
        - a. This includes all documentation regarding corrections taken as a result of the operator's self inspection.
    - b. On-site Oversight Inspection
      - i. An on-site oversight inspection may be conducted after the MS4 inspector has provided a 48-hours advance notice of an on-site inspection.
        - 1. Exceptions: If there is an imminent threat of discharge or the operator has formally opted-out of electronic site inspections.
      - ii. An on-site oversight inspection may be warranted under the following conditions:
        - 1. Inadequate characterization in electronic site inspections of site conditions or portions of a site
        - 2. Verified complaints
        - 3. Failure to submit an electronic site inspection at the appropriate time
        - 4. Alterations of electronic photographs
        - 5. The construction site is within one-half mile of a river, a stream, or a lake
        - 6. Compliance with the CGP, CPP if applicable, and site specific SWPPP cannot be reasonably determined during an electronic oversight inspection
        - 7. A perceived or reported threat to water quality that is immediate<sup>3</sup> and/or imminent<sup>4</sup>
        - 8. Failure to install BMPs prior to land disturbance

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<sup>3</sup> Immediate threat means contaminants are entering a river, a stream, or a lake.

<sup>4</sup> Imminent threat means contaminants are anticipated to be discharged into a river, a stream, or a lake within 48-hours.

9. Illicit discharge, unknown/unidentified non-storm water discharge, or prohibited discharge per CGP/CPP permits
  10. The operator opts out of the electronic site inspection and instead elects an on-site inspection
  11. Any other oversight inspection step listed below that cannot be fulfilled
- c. An oversight inspection, both electronic and on-site, is performed by following these steps:
1. Review the SWPPP
  2. Review the SWPPP signage for compliance with the CGP or CPP
    - a. Placed in a safe, conspicuous, and publicly accessible location near the entrance
    - b. Includes UPDES permit tracking number, contact information, and method of SWPPP access
  3. Review the operator self SWPPP inspection reports
  4. Review the entire perimeter and any downgradient areas
  5. Review points of vehicle/equipment exit
  6. Review any discharge points (keep in mind that these are not always piped inlets)
  7. Review all BMPs installed to mitigate or prevent sediment, erosion, and pollution
  8. Review all stabilizing areas (especially steep slopes)
  9. Review all pollutant generating activities such as fueling areas, washout areas, etc.
  10. Observe all discharges (if prohibited or unauthorized this is an immediate and/or imminent threat to water quality)
  11. Observe all conditions that could result in polluted storm water discharge (including sediment in the street/gutter)
  12. Determine if any additional sediment, erosion, and/or pollution prevention controls are needed
  13. Verify that all above activities are accounted for and updated in the site's SWPPP and Map
  14. Any deficiencies must be noted in the oversight inspection form
- d. For oversight inspections, MS4 staff must use the [Oversight Construction Inspection Form](#) provided by the Division of Water Quality.
- i. MS4 staff sends a copy of the oversight inspection to the operator.
  - ii. MS4 staff maintains record of all oversight inspections through [\[insert method of record retention used within your MS4\]](#)
- e. If the storm water BMPs on a construction site are found to be deficient by the MS4 inspector, steps will be taken to address the deficiencies as outlined in the *Enforcement for Construction Sites SOP*.
- i. Violations could include:
    1. Failure to maintain BMPs
    2. Failure to install BMPs
    3. An illicit discharge
    4. Failure to conduct inspections
    5. Failure to document corrections

6. Failure to update SWPPP
  7. Any other CGP and/or CPP requirements that are deficient
3. After Construction
- a. The operator will request through NeT, a Notice of Termination (NOT) once these conditions have been met:
    - i. Has the site achieved final stabilization?
    - ii. Have all construction materials, waste and waste handling devices been removed?
    - iii. Have all temporary storm water controls been removed?
    - iv. Have all pollutants and pollutant-generating activities been removed?
    - v. If landscaping will be completed by the homeowner, have temporary sediment and erosion controls been installed?
  - b. MS4 staff who have 'MS4 Authority' will be notified of the request to approve the operator's NOT via an email notification from NeT.
  - c. MS4 staff will verify through an electronic oversight inspection (or on-site oversight inspection if applicable described in the *Enforcement for Construction Sites SOP*) if all NOT requirements have been met and approve or deny the NOT submission via NeT.
  - d. MS4 staff will document the NOT inspection through the State's [Storm Water NOT Inspection Form](#) and maintain a record of it through [\[insert method of record retention used within your MS4\]](#).
  - e. All documents related to each applicable construction site must be retained for five years or until construction is completed, whichever is longer.

**\*\*Note to the MS4:**

*It is recommended that MS4s use this template to facilitate their construction storm water program requirements and should add specific information for each MS4 relevant to the program.*