

Standard Operating Procedure for MS4 Construction Oversight

Inspections of Permitted Construction Sites SOP

Last Reviewed: November 12, 2024

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 Code 19-5-108.3](#). This SOP references the *Construction Site Storm Water Runoff Control* (4.2.4) 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**:

“A municipal system shall conduct an oversight inspection¹ through an electronic site inspection². A municipal system may conduct an on-site inspection if the municipal system has a documented reason for justifying an on-site oversight inspection.”

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

- “Onsite oversight inspection” is an inspection in which MS4 staff physically visit a construction site to perform an inspection as has been done historically.
- “Electronic oversight inspection” is an offsite inspection of the operator's submitted electronic site inspection report.

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 storm water pollution control measures. For purposes of this SOP, “operator” means the person responsible for the Storm Water Pollution Prevention Plan (SWPPP) implementation on an applicable construction site.

2. Responsibilities:

Each MS4’s storm water staff are responsible for implementing the requirements and may not defer from this SOP. The operator is responsible for abiding by all requirements of the UPDES Storm Water General Permit or Common Plan Permits for Construction Activities and the MS4 is responsible for oversight.

- 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.

¹ “Oversight inspection” means a construction site inspection performed by the municipal system to assess compliance with the permit. (Utah Code 19-5-108.3(1)(g))

² “Electronic site inspection” means geo-located and time-stamped photos taken, evaluated, and submitted electronically by the applicant to the municipal system. (Utah Code 19-5-108.3(1)(e))

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, 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 whether the construction site will be identified as priority and receive bi-weekly MS4 oversight inspections.
 - 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 onsite 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 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 their required electronic oversight inspections (at the intervals mentioned in 2.1.c) through access to the Operator's SWPPP and electronic site 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 Construction General Permit (CGP), Common Plan Permit (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. Onsite Oversight Inspection

- i. An onsite oversight inspection may be warranted under the following conditions:
 1. Compliance with the CGP, CPP if applicable, and site specific SWPPP cannot be reasonably determined during an electronic oversight inspection.
 2. A perceived or reported threat to water quality that is immediate³ and/or imminent⁴. Or a reported complaint.
 3. Failure to install BMPs prior to land disturbance.
 4. Illicit discharge, unknown/unidentified non-storm water discharge, or prohibited discharge per CGP/CPP permits.
 5. The operator requests that oversight inspections be performed onsite.
 6. Any other oversight inspection step listed below that cannot be fulfilled.

c. An oversight inspection, both electronic and onsite, 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 Immediate Threat: A situation where pollutant discharge to state waters is already occurring or is inevitable without urgent corrective action. This refers to a present and active risk that requires immediate attention to prevent or mitigate further contamination.

⁴ Imminent Threat: A situation that poses a high likelihood of pollutant discharge to state waters in the near future if corrective actions are not taken. This refers to conditions that suggest a serious risk is developing but has not yet resulted in an actual discharge.

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 update SWPPP
 6. 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. All temporary storm water control measures have been removed
 - ii. The site has achieved final stabilization
 - iii. All construction materials, waste, and equipment have been removed
 - iv. All potential pollutants and pollution-generating activities have been removed
 - 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.