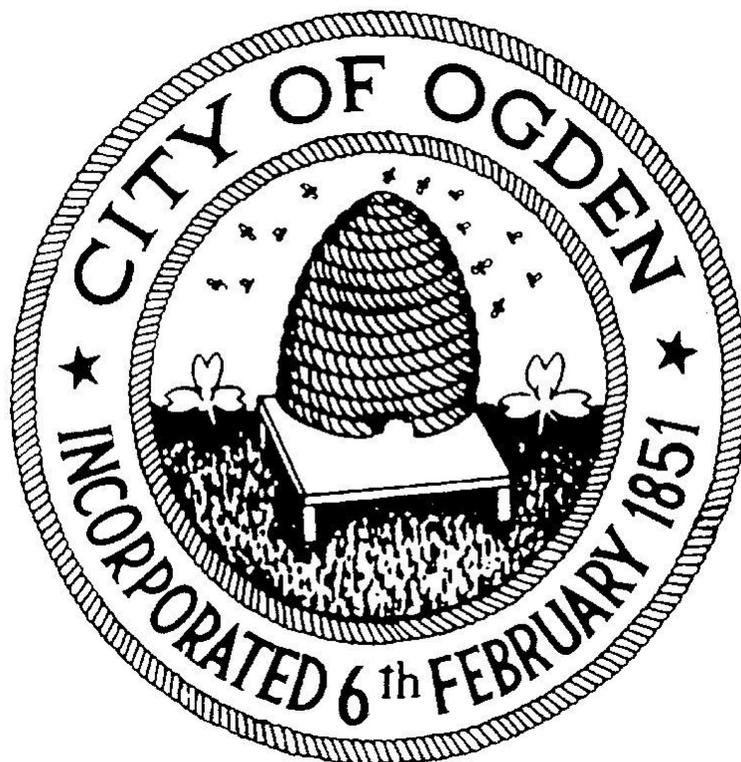


STORM WATER POLLUTION PREVENTION PLAN PROCESS
POLICY, PROCEDURES, & RESPONSIBILITIES

2549 Washington Boulevard

Ogden, UT 84401

July 5, 2010



Public Services Department

Engineering Division

Ogden City SWPPP Permit and Inspection Process Policy

1. Purpose

The Storm Water Pollution Prevention Plan (SWPPP) Permit and Inspection Process is established to ensure that all land disturbing activities in Ogden City comply with the requirements of City and State law governing such, and to ensure that all City agencies and personnel involved in the process understand and agree to adhere to these policies and procedures.

Our goal is to complete reviews within 7 business days from the time the plans are received at the development services counter. We reserve the right to reasonable flexibility regarding this goal, as it is necessarily dependent upon work load, employee time constraints, complexity of the project, etc.

II. SWPPP Permitting Requirements by Project

SWPPP Permitting Requirements vary depending on the size and scope of a project as follows:

1. Projects 1acre or larger, part of a common plan of development or in a sensitive area:
 - Are required to have a Notice Of Intent (NOI) from the state
 - Are required to have an Ogden City SWPPP permit
 - Are required to submit a complete and signed State SWPPP template and an erosion control plan
 - Are required to adhere to the State's Construction General Permit
2. Projects less than 1 acre and larger than 5,000 square feet:
 - Are required to have a City SWPPP permit
 - Are required to submit an erosion control plan
 - Are required to adhere to the State's Construction General Permit
3. All other projects:
 - Are required to place BMPs as necessary
 - Are required to adhere to the State's Construction General Permit

III. SWPPP Content Requirements

Each application for a City permit shall include the following:

- Date of application and the address of the site;
- A description of the project;

- Name, address and telephone number of the owner of the site;
- Name, address and telephone number of the applicant, if different from the owner;
- Name, address, and telephone number of the general contractor, or if none, the name(s), address(es), and telephone number(s) of the contractor(s), subcontractor(s) or persons actually doing the land disturbing activities and their respective tasks;
- The date that construction activity will commence and the estimated time frame for completion of the construction activity, expressed in monthly increments;
- For projects 1 acre and larger, part of a common plan of development or in a sensitive area - a copy of the NOI, a SWPPP that adheres to the state's template and an erosion control plan showing surface drainage patterns, locations of storm water discharges, locations of storm drains, locations of all BMPs, etc
- For sites less than 1 acre but larger than 5,000 square feet - an erosion control plan showing surface drainage patterns, locations of storm water discharges, locations of storm drains, locations of all BMPs, etc.
- Signature of the applicant.

For more information on required content of SWPPP plans, see Ogden City SWPPP ordinance, 9-7B-4 and 5, included in addendum 1 on page 8.

IV. Ogden City SWPPP Application and Permitting Process

The process of applying for and obtaining a city SWPPP permit is as follows:

- The applicant submits (3) complete sets of the SWPPP plan review application as part of the site or construction plan review application to the assigned project coordinator.
- The SWPPP application is reviewed by the Engineering Division.
- When there are deficiencies in the SWPPP plan, they are returned for correction, then resubmitted.
- After the site or subdivision plans are approved (3) final sets are submitted by the applicant, and the SWPPP permit is issued by the Engineering Division at the preconstruction meeting. The SWPPP Permit fee is \$100 plus \$50 per month for projects for which an NOI is required. The SWPPP Permit Fee is \$50 plus \$50 per month for projects not required to obtain an NOI.
- SWPPP plans are filed by the Engineering Division. Permits are routed to the SWPPP inspector before the end of the next business day following the permit being issued.

For more information on the application approval process, see Ogden City SWPPP ordinance, 9-7B-3: Review and Approval, in addendum 2 on page 11.

IV. Inspection process

A. Contacting the SWPPP Inspector

The contractor calls the inspector at 801-940-6480 to schedule each inspection. The request shall be a minimum of 24 hours in advance of the requested time of inspection. The first SWPPP inspection shall take place before any construction or excavation begins. Be prepared to provide the permit number and project address when scheduling an inspection. The inspection will not be scheduled without this information.

B. Inspection Frequency

Projects that are required to obtain an NOI are generally inspected every 2 weeks. Small projects are inspected as often as deemed necessary by the SWPPP inspector. Notice of Termination approvals and consultations may be scheduled in accordance with paragraph A of this section.

C. Inspection Parameters

The City SWPPP inspector generally inspects the following items during an inspection (more items may be inspected as required):

1. Projects less than 1 acre and more than 5,000 square feet:
 - What BMPs are in place? Are additional BMPs needed to prevent tracking or erosion, or to protect muddy water from flowing into City storm drains? Are BMPs in good working order?
 - Is water entering or leaving the site? Is it causing, or is there a potential for erosion?
 - Are the street and gutter clean?
 - Is the site clean? Is there trash left to be blown off-site?
 - Has any disturbed soil been left dormant for more than 14 days? Is there potential for wind or water erosion?
 - Are all requirements of the State Construction General Permit being met?
2. Projects over 1 acre or part of a common plan of development:
 - All of paragraph 1, plus:
 - Are all SWPPP documents on site and readily available? [SWPPP plan, site map, contractor's inspection reports, NOI, etc.] Are all documents updated and current?

- Are all BMPs required by the SWPPP plan or drawn on the site map in place and in good working order?
- Is there disturbance outside the limits shown on the site map?

D. Time Frame for Corrections

The time frame for correcting deficiencies in the SWPPP process is as follows:

- Immediately – for ongoing damage to the environment or to City storm drain system.
- 24 hours – for non-emergency corrections
- 48 hours or longer -- for non-emergency violations that require major changes or engineering, at the discretion of the inspector

For more information on City inspection requirements, see the City SWPPP ordinance section 9-7B-7: Inspection, included in addendum 3 on page 12.

E. Penalties for Non-Compliance to Correction Notices

The penalties for non-compliance to corrections notices are as follows:

- Ogden City ordinance allows for a penalty of up to \$1000 per day, per violation. Policy is to give a Stop Work notice for first time violators.
- The Utah Department of Environmental Quality allows for penalties of up to \$10,000 per day, per violation.
- The Environmental Protection Agency has provisions for penalties of up to \$32,500 per day, per violation.

Remember that the City, State and EPA can each issue fines for the same offense. For more information on City penalties, see the City SWPPP ordinance section 9-7B-8: Stop Work Orders, Article E: Penalties, and 9-7D-10: Enforcement, included in addendum 4 on page 13.

F. Final Inspection and Closing of SWPPP Permits

1. City SWPPP Permit:

For final approval and permit termination, the City requires that all post-construction BMPs be in place, all required landscaping be in place, all temporary BMPs be removed, and all disturbed soil be stabilized. For explanation and definition of stabilization, see City Ordinance 9-7B-5-D, in Addendum 1, or State General Permit Section 3.5.2.2.

2. State Notice of Termination (NOT):

The Utah Department of Environmental Quality requires that the City inspector sign off on stabilization and finalization of the project before a NOT can be issued. NOT sign-off inspections can be scheduled with the City inspector as noted in paragraph A above.

G. *Standard Operating Procedure for SWPPP Site Inspections*

The steps to a typical site inspection are as outlined below:

1. Meet the General Contractor or other person in charge with whom the previous appointment has been made.
2. Check SWPPP plan, take notes;
 - a. NOI and state permit included?
 - b. names and numbers of contact people listed?
 - c. operator signed?
 - d. site description, sequence of activities, areas to be disturbed?
 - e. locations of storm drains, drainage patterns, locations of water discharges?
 - f. site map, erosion control designs, BMPs?
 - g. waste control & disposal, tracking out, sanitary, storage areas, etc.?
 - h. on-site inspections on schedule and documented?
 - i. note contact numbers and email addresses
3. Inspect site, make notes, take photos;
 - a. All BMPs updated on site map?
 - b. items from previous inspection corrected?
 - c. off-site flows entering site?
 - d. BMPs working? Potential for erosion or pollution?
 - e. products & chemicals managed properly?
 - f. any areas left dormant for more than 14 days?
 - g. any flows leaving site?
 - h. any tracking off site?
 - i. BMPs properly located? More needed?
 - j. [on final] Post-construction elements in place? Can BMPs be removed?
 - k. need to update SWPPP in next 7 days?
 - l. trash picked up and contained?
4. Write reports using notes from sections 2 and 3;
 - a. fill out state form

- b. make written report with photos attached, if needed
- c. enter inspection in EDEN
- d. save reports on X drive under address
- e. send state form to State and Development Engineer, contractor, etc.
- f. if necessary, get contractor's signature on form, and give him a copy with your signature.

V. Internal reports and records

A. Report Time Line

City EDEN digital reports shall be completed on the same day the inspection or other action takes place.

B. Report Format and Method of Delivery

All SWPPP inspections shall be reported using the DEQ's digital report form.

- Copies of all reports are sent via email to the contractor [when possible], the DEQ, the City Development Engineer, and other staff as designated by the Engineering Division. The Development Engineer saves the email as proof of receipt.
- Copies of these reports are saved by the inspector under the appropriate address in the department X drive, and in other digital files as designated by the Engineering Division.
- Paper copies of the DEQ reports are retained only when necessary to record the signature of the recipient, i.e.; when the contractor does not want the report emailed or does not have an email address.
- When a permit is closed, the file is kept by the Engineering Division for the duration designated by the MS4 permit.

Addendum 1: General SWPPP Information. Excerpt From City Code

9-7B-4: STORM WATER POLLUTION PREVENTION PLANS:

A. Storm water pollution prevention plans shall include the following:

1. Map(s) or site plan(s) describing:
 - a. The existing topography of the site;
 - b. Delineation of any areas of vegetation or trees to be saved;
 - c. Clear and definite delineation of any wetlands, natural or artificial water storage detention areas, and drainage ditches on the site;
 - d. Clear and definite delineation of any 100-year floodplain on or near the site;
 - e. Approved grading and drainage plans;
 - f. Watercourses or portions of the city's storm drainage systems either on or near the site.
2. A sequence of construction activity to occur on the site, including stripping and clearing; rough grading; construction of utilities, infrastructure, and buildings; and final grading and landscaping. Sequencing shall identify the expected date on which clearing will begin, the estimated duration of exposure of cleared areas, areas of clearing, installation of temporary erosions and sediment control measures, and establishment of permanent vegetation.
3. All storm water pollution control measures or BMPs necessary to meet the objectives of this article throughout all phases of the construction and after completion of development of the site. Depending upon the complexity of the project, the drafting of intermediate plans may be required at the close of each season.
4. Provisions for maintenance of erosion or sediment control facilities.
5. An inspection schedule for determining the overall effectiveness of the SWPPP.
6. Such other additional information or data deemed necessary to ensure compliance with the requirements of this article.

B. Storm water pollution prevention plans shall be stamped as approved by a registered civil engineer. The authorized enforcement officer may waive such requirement when it is self-evident that the construction activity is simple, clearly shown, and entails no hazard or nuisance potential to adjacent properties or watercourses, and does not include the placement of fill upon which a structure may be erected.

C. Requests to modify a permit or an SWPPP shall be submitted and reviewed in the same manner as provided in sections [9-7B-2](#) and [9-7B-3](#) of this article for permit applications; provided that any modification deemed by the authorized enforcement officer to be minor may be approved on site or informally by the authorized enforcement officer without the need for a formal application and fee payment. Such informal modifications shall be documented on a field report or correction notice, and the approved plans, with a dated signature.

9-7B-5: SWPPP DESIGN REQUIREMENTS:

A. The authorized enforcement officer may establish by administrative order city design criteria for grading, erosion control practices, sediment control practices, and watercourse crossings, which administrative order shall be effective upon filing in the city recorder's office.

B. Grading, erosion control practices, sediment control practices, and watercourse crossings shall meet any design criteria established by the authorized enforcement officer pursuant to subsection A of this section, and shall be adequate to prevent transportation of sediment from the site to the satisfaction of the authorized enforcement officer. Cut and fill slopes shall be no greater than two to one (2:1), except as approved by the authorized enforcement officer to meet other community or environmental objectives.

C. Clearing, except that necessary to establish sediment control devices, shall not begin until all sediment control devices have been installed and have been stabilized.

D. Erosion control practices shall, at a minimum, include the following:

1. Soil stabilization shall be completed within five (5) days of clearing or inactivity in construction.
2. If seeding or another vegetative erosion control method is used, it shall become established within two (2) weeks or the authorized enforcement officer may require the site to be reseeded or a nonvegetative option employed.
3. Soil stockpiles maintained off site must be stabilized or covered at the end of each workday.
4. Specialized techniques meeting design criteria approved by the authorized enforcement officer must be employed to stabilize steep slopes or along drainageways to ensure stabilization.
5. The entire site must be stabilized, using a heavy mulch layer or another method that does not require germination to control erosion, at the close of the construction season if applicable.
6. Techniques shall be employed to prevent the blowing of dust or sediment from the site.
7. Techniques that divert upland runoff past disturbed slopes shall be employed.

E. Sediment control requirements shall include:

1. Settling basins, sediment traps and perimeter controls.

2. Settling basins that are designed in a manner that allows adaptation to provide long term storm water management, if required by the authorized enforcement officer.
3. Protection for adjacent properties by the use of a vegetated buffer strip in combination with perimeter controls.

F. Waterway and watercourse protection requirements shall include:

1. A temporary stream crossing installed and approved by the authorized enforcement officer if a wet watercourse will be crossed regularly during construction.
2. Stabilization of the watercourse channel before, during, and after any in-channel work.
3. All on site storm water conveyance channels designed according to city design criteria established pursuant to subsection A of this section or the city's engineering standards adopted pursuant to [title 7, chapter 6](#) of this code.
4. Stabilization adequate to prevent erosion located at the outlets of all pipes and paved channels.

G. Construction site access requirements shall include measures adequate to ensure that sediment is not tracked onto public streets by construction vehicles or washed into storm drains.

(Ord. 2006-45, 7-25-2006)

Addendum 2: SWPPP Review Process. Excerpt From City Code

9-7B-3: REVIEW AND APPROVAL:

A. The authorized enforcement officer will review each application for a permit to determine its conformance with the provisions of this article. Within thirty (30) days after receiving an application, the authorized enforcement officer shall in writing:

1. Approve the permit application, together with any required SWPPP;
2. Approve the permit application, together with any required SWPPP, subject to such reasonable conditions as may be necessary to secure compliance with the requirements of this article, and issue the permit subject to these conditions; or
3. Disapprove the permit application, together with any required SWPPP, indicating the reason(s) and procedure for submitting a revised application and/or submission.

B. Failure of the authorized enforcement officer to act on an original or revised application within thirty (30) days of receipt shall authorize the applicant to proceed in accordance with the plans as filed unless such time is extended by agreement between the applicant and the authorized enforcement officer. Pending preparation and approval of a revised plan, development activities shall be allowed to proceed in accordance with conditions established by the authorized enforcement officer.

Addendum 3: Inspection Process. Excerpt From City Code

9-7B-7: INSPECTION:

A. Required Inspections:

1. Under the permit, the authorized enforcement officer may require inspections at the following stages of construction activity:
 - a. Start of construction;
 - b. Installation of sediment and erosion measures;
 - c. Completion of site clearing;
 - d. Completion of rough grading;
 - e. Completion of final grading;
 - f. Close of the construction season, if applicable; and
 - g. Completion of final landscaping.
 2. If required, the authorized enforcement officer shall either approve that portion of the work completed or shall notify the permit holder wherein the work fails to comply with the permit or SWPPP as approved. To obtain required inspections, the permittee shall notify the authorized enforcement officer at least twenty four (24) hours before any required inspection.
- B. Control Measures: The permittee or the permittee's agent shall make regular inspections of all control measures, including, but not limited to, inspection of erosion control measures before rainstorms when there is a five (5) day forecast of rain. Such inspections shall be under the supervision of a registered civil engineer. The authorized enforcement officer may waive such requirement when it is self-evident that the work is simple, clearly shown, and does not include the placement of fill upon which a structure may be erected. The purpose of such inspections will be to determine the overall effectiveness of the control plan and the need for additional control measures. All inspections shall be documented in written form and made available upon request to the authorized enforcement officer, or submitted to the authorized enforcement officer at such time intervals specified in the approved permit.
- C. Authorized Enforcement Officer: The authorized enforcement officer may enter the property of the permit holder as deemed necessary to make regular inspections to ensure the validity of the reports filed under subsection B of this section.
- D. Plans: Plans for grading, stripping, excavating, and filling work bearing the stamp of approval of the authorized enforcement officer shall be maintained at the site during the progress of the work.

Addendum 4: Enforcement. Excerpt From City Code

9-7D-10: ENFORCEMENT:

A. Notice Of Violation: Whenever the authorized enforcement officer finds that a person has violated a prohibition or failed to meet a requirement of this article, the authorized enforcement officer may order compliance by written notice of violation to the owner and any other responsible persons. Such notice may require, without limitation:

1. The obtaining of a required permit;
2. Submission of storm water pollution prevention plan;
3. The performance of monitoring, analyses, and reporting;
4. The elimination of illicit connections or discharges;
5. That violating discharges, practices, or operations shall cease and desist;
6. The abatement or remediation of storm water pollution or contamination hazards and the restoration of any affected property;
7. Payment of a civil penalty or the imposition of costs to cover administrative and abatement or remediation costs; and
8. The implementation of source control or treatment BMPs.

B. Abatement; Deadline: If abatement of a violation and/or restoration of affected property is required, the notice shall set forth a deadline within which such remediation or restoration must be completed. Said notice shall further advise, if the authorized enforcement officer anticipates city performance of abatement, that should the violator fail to remediate or restore within the established deadline, the work may be done by the city or a contractor hired by the city and the expense thereof charged to the owner.

9-7B-8: STOP WORK ORDERS:

A. The authorized enforcement officer may suspend or revoke a permit, or stop work on a construction activity, either for the entire construction project or any specified part thereof, if any of the following conditions exist:

1. Any land disturbing activity is being undertaken without a required permit;
2. The SWPPP is not fully implemented;
3. The applicant fails to obtain an extension on an expired permit; or
4. Any of the conditions of the permit are not being met.

B. The stop work order shall be in writing and shall be given to the owner of the real property involved, the owner's agent, or to the person doing the work. Upon issuance of a stop work order, the cited

work shall immediately cease. The stop work order shall state the reason for the order, and the conditions under which the cited work will be permitted to resume.

- C. Any person who continues any work after having been served with a stop work order, except such work as that person is directed to either implement the SWPPP, meet the conditions of the permit, or otherwise comply with the requirements of this article, shall be in violation of this section.

9-7E-1: PENALTY:

A. Criminal Penalties: Any person who violates any of the provisions of this chapter, or who fails to comply with an order of suspension, revocation or stop work issued pursuant to the provisions of this chapter, shall be deemed guilty of a class B misdemeanor and, upon conviction thereof, shall be punished as set forth in [title 1, chapter 4, article A](#) of this code.

B. Civil Penalties: Failure to correct a violation of this chapter after notice of violation and expiration of the warning period may be enforced by imposition of the following civil penalties pursuant to [title 1, chapter 4, article B](#) of this code:

1. The first civil citation issued after expiration of the warning period shall subject the person to the initial penalty as provided in subsection C of this section.
2. The second civil citation issued after expiration of the warning period and the prior imposition of the initial penalty shall subject the person to the intermediate penalty as provided in subsection C of this section.
3. Any subsequent civil citation issued after expiration of the warning period and the prior imposition of an intermediate penalty, or any reoccurring violation under section [1-4B-6](#) of this code, shall subject the person to the maximum penalty as provided in subsection C of this section.

C. Civil Penalty Schedule: Violations of this chapter shall carry civil penalties pursuant to the following schedule:

<u>Violation Classification</u>	<u>Initial Penalty</u>	<u>Intermediate Penalty</u>	<u>Maximum Penalty</u>
1. Failure to obtain a required permit or submit a required SWPPP	\$ 125.00	\$ 250.00	\$ 500.00
2. Failure to comply with the conditions of an SWPP permit, an approved SWPPP, or a suspension, revocation or stop work order	125.00	250.00	500.00
3. Failure to comply with a final notice of violation pursuant to section 9-7D-10 of this chapter; provided that, if the violation involves: a) a direct discharge or spill into the waters of the state of Utah; b) any discharge or spill within 300 feet of the Ogden River or the Weber River; or c) a failure to maintain the Ogden River or the Weber River pursuant to section 9-7D-8 of this chapter, the penalty shall be:	125.00	250.00	500.00
	1,000.00	1,000.00	1,000.00

- | | | | |
|--|--|--|--|
| | | | |
|--|--|--|--|
- D. Injunctive Relief: This chapter may also be enforced by injunction, mandamus, abatement or any other appropriate judicial action in law or equity.
- E. Separate Offense Each Day: Each day that any violation of this chapter continues shall be considered a separate offense for purposes of the penalties and remedies available to the city.
- F. Compliance Not Excused: No criminal conviction or imposition of penalties shall excuse the person from otherwise complying with the provisions of this chapter.

(Ord. 2006-45, 7-25-2006)

9-7E-2: REMEDIES NOT EXCLUSIVE:

The remedies listed in this article are not exclusive of any other remedies available under any applicable federal, state or local law and it is within the discretion of the authorized enforcement agency to seek cumulative remedies.