



## STORM WATER

### ZONING CLEARANCE PROCEDURES

The State of Utah under the direction of the Environmental Protection Agency requires that certain construction activities be permitted for storm water discharge and control. This permit requires “that all construction activities that disturb an area greater than or equal to one acre, and ... construction activities that disturb an area smaller than one acre if the disturbance is part of a larger common plan of development or sale that will ultimately disturb an area greater than or equal to one acre” receive a Storm Water General Permit for Construction Activities (Permit). These procedures will help guide you through this process. (Note: If your construction project does not disturb more than one acre of land and is not part of a subdivision, then these procedures do not apply to your project.)

There are 8 steps that you must comply with to meet these requirements:

1. Prepare a *Storm Water Pollution Prevention Plan* (SWPPP).
2. Once the SWPPP is approved, file for a *Notice of Intent* (NOI) to discharge storm water permit.
3. Obtain a zoning clearance and building permit.
4. Construct and use *best management practices* (BMPs) to control storm water runoff.
5. Obtain agreements with subcontractors to comply with the SWPPP.
6. Conduct and document routine inspections during construction.
7. Perform final stabilization of soil disturbance at the construction site.
8. File for a *Notice of Termination* (NOT) of the storm water permit with the State.

The City is currently permitted by the State of Utah Department of Environmental Quality as a *Municipal Small Separate Storm System* (MS4). This requires them to participate and conduct inspections of storm water permitted construction activities. During the term of the permit the City will:

1. Review the SWPPP.



2. Confirm that the NOI has been obtained from the State.
3. Inspect the construction site monthly and document non-compliance with the SWPPP and violations to the Permit.
4. Conduct a final stabilization inspection of the site.
5. Sign the NOT so the construction permit may be terminated.

### **Step 1 Prepare a SWPPP.**

SWPPPs are required for “all construction activities that disturb an area greater than or equal to one acre, and ... construction activities that disturb an area smaller than one acre if the disturbance is part of a larger common plan of development or sale that will ultimately disturb an area greater than or equal to one acre.” Included in this packet is a Common Plan of Development SWPPP document. This document is a template for you to fill out with information related to storm water items for your site. Information required includes:

- Contact information
- Overview of construction activities best management practices (BMPs)
  - During construction
  - Housekeeping
  - After construction

If the land disturbance is greater than one acre, a full SWPPP must be prepared. See the city website or office for a copy.

The SWPPP can be prepared by the owner or assigned representative. If prepared by the representative, a “Delegation of Authority” Form must be prepared, signed and included with the SWPPP. This is found in Appendix K of the SWPPP Template.

There are helpful hints in shadowed boxes of the template that will assist you in filling out the document. These hints can be deleted if the SWPPP is prepared electronically. We have also included an example site map with the template. A site map for your site must be submitted with the SWPPP.



## **Step 2 File for an NOI.**

With the SWPPP complete and approved, a NOI can be filed with the state. This can be done at the following website. <https://secure.utah.gov/stormwater/main.html>. There is a fee of \$100 for obtaining the NOI. The NOI is valid for 12 months. If construction activities require more time, the NOI must be renewed.

## **Step 3 Obtain zoning clearance and building permit.**

After obtaining the NOI, bring the building plans, engineering if required, SWPPP and NOI to the city office to apply for a zoning clearance. The City will review the submitted information and issue the zoning clearance when all items are completed adequately. This review may take up to two weeks.

## **Step 4 Construct and Use best management practices (BMPs) to control storm water runoff.**

While preparing the SWPPP, you selected BMPs to control storm water runoff from the site. BMPs may include activities and physical items. BMP activities should be performed and physical items must be installed prior to land disturbance. **A copy of the SWPPP must be kept on site and accessible at all times for inspections by the owner and City.** Placing it in a Ziploc bag or other watertight container is recommended.

## **Step 5 Obtain agreements with subcontractors to comply with the SWPPP.**

All individuals associated with construction at your site must agree and comply with the SWPPP. In order to ensure compliance, an agreement must be filled out by the subcontractor. These agreements must be kept in the SWPPP. An example agreement is found in Appendix H of the SWPPP template.

## **Step 6 Conduct and document routine inspections during construction.**

During construction, inspections by you, the owner, or a designated representative (see the SWPPP documentation) must be conducted. The inspection frequency was selected by you and



indicated on the SWPPP when you filled out the template. Owner inspection forms must be kept with the SWPPP on site. An example form is included in this packet for your use.

If during inspections, BMPs are found that are not working adequately to control storm water, changes to the SWPPP must be made. Changes can occur by using different BMPs to control storm water. If a different BMP is used, it should be added to the SWPPP and changes noted on the site plan and dated (See the Site Map Example in the SWPPP Template). Inspectors will review the SWPPP and site map each time they inspect your site. If changes are not documented, you will be in violation of the permit.

**Step 7 Perform final stabilization of soil disturbance at the construction site.**

At the completion of construction you must file a NOT. This can occur when construction is complete and the site is stabilized. Stabilization is defined as “uniform perennial vegetative cover with a density of 70% of the cover for unpaved areas and areas not covered by permanent structures has been established, or equivalent permanent stabilization measures (such as the use of riprap, gabions, or geotextiles) have been employed” (NOT). “For individual lots in residential construction, final stabilization means that either the homebuilder has completed final stabilization as specified above, or the homebuilder has established temporary stabilization including perimeter controls for an individual lot prior to occupation of the home by the homeowner and has obligated the homeowner, by contract, to complete the requirements for final stabilization within two years.” (Section 6.15 Permit).

**Step 8 File for a Notice of Termination (NOT) with the State.**

When final stabilization has occurred, the City must inspect and verify that stabilization has occurred prior to the State issuing a NOT. After City inspection you must fill out the NOT form and submit it to the State. At this time we are not aware of a method to do this online. The permit will then be terminated.



**Included in this packet:**

- Common plan of development SWPPP template
- Notice of intent (NOI) form – to be completed online
- Notice of termination (NOT) form – to be submitted via mail to the state