

Subject: Request for Action and Accountability on Unpermitted Construction Concerns

From sunkills <sunkills@proton.me>

To Archuleta, Greg <Greg.Archuleta@slcgov.com>, Jason.Draper@slcgov.com, Tim.Cosgrove@slcgov.com, alicia.deleon@slcgov.com, Joshua.Rebollo@slcgov.com, victoria.petro@slcgov.com, Hannah.Barton@slcgov.com, Katelynn.Riser@slcgov.com, city.council.liaisons@slcgov.com, chris.wharton@slcgov.com, ana.valdemoros@slcgov.com, darin.mano@slcgov.com, dan.dugan@slcgov.com

CC Beitel, Kristeen <Kristeen.Beitel@slcgov.com>, Rogers, Jason <Jason.Rogers@slcgov.com>, Storm Water Quality <stormwaterquality@slcgov.com>, Anderson, Troy <T.Anderson@slcgov.com>, Pond, Beauen <Beauen.Pond@slcgov.com>, sarah.young@slcgov.com

BCC

Date Monday, September 4th, 2023 at 5:27 PM

Dear Esteemed City Officials,

I am reaching out to you, with an increasing sense of urgency, to address a concerning matter that seems to have been overlooked or possibly deprioritized. Over a month ago, I reported an unauthorized construction of a bridge over a city-owned waterway, but regrettably, the response thus far has been less than satisfactory. Initially people seemed to be responding accordingly but that has stopped now for weeks with no explanation.

It is rather disheartening to note the apparent lack of synergy and responsiveness among different governmental agencies tasked with safeguarding our environment and enforcing regulatory compliances. As a devoted citizen, it is somewhat frustrating to witness what seems to be a lack of coordinated effort in addressing this pressing issue.

Upon reflecting on the communications, or lack thereof, I am led to infer the following:

1. Non-compliance with permit requisitions and payment obligations might seemingly be tolerated, fostering a lack of accountability and as a result theft from public coffers.
2. There appears to be a disinterest or negligence towards ensuring the structural and environmental safety of the bridge in question.
3. The responsibility to curtail water pollution caused by storm drain runoff doesn't seem to be fully acknowledged or enforced by the city. This is true both for dust and other construction debris as well as dumping that occurred on the site from an illegal landfill that was located in Murray to raise the grade of the site.
4. The present system possibly allows unauthorized constructions to bypass regulatory approvals, undermining both financial and safety aspects.
5. A narrow job responsibility outlook seems prevalent, potentially hindering collaborative efforts necessary for comprehensive environmental protection.

While pondering over these issues, I cannot help but notice a disconcerting disparity in the enforcement of rules and penalties within the city. A minor violation involving a transportation company visiting the airport can attract substantial fines of \$2000, while serious infractions involving construction and environmental degradation seemingly go unchecked.

As I contemplate escalating this issue to higher authorities and to the public, I fervently hope for a renewed commitment from the city officials in upholding the laws and regulations designed to protect the interests and well-being of its citizens. I trust that this matter will be given the serious attention it warrants, avoiding any future public grievances or potential exposures.

In conclusion, I sincerely hope that the city can reaffirm its dedication to serving the community by effectively enforcing its regulations

and fostering a harmonious and accountable relationship with its residents. I remain hopeful for prompt and decisive action in this regard.

Thank you for your attention to this matter.

Sincerely,

Sincerely,

Sunkills

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“Publicity is justly commended as a remedy for social and industrial diseases. Sunlight is said to be the best of disinfectants; electric light the most efficient policeman.” – Supreme Court Justice Louis Brandeis

Sent with [Proton Mail](#) secure email.

----- Original Message -----

On Tuesday, August 29th, 2023 at 11:18 AM, sunkills <sunkills@proton.me> wrote:

It has been over two weeks since I sent a response to Mr. Archuleta with no response from either him or anyone else regarding status of this case. Not just for the SWPPP portion of the claim but the other aspects as well. Is the lack of response an indication that the complaint has been closed with no action?

Sent with [Proton Mail](#) secure email.

----- Original Message -----

On Monday, August 14th, 2023 at 7:12 PM, sunkills <sunkills@proton.me> wrote:

Mr. Archuleta,

Let me familiarize you with at least two tools available to anyone in government or otherwise that are free of charge. These tools will allow you to fully see the scope of the development that has gone on with these two parcels. They both have the ability to go back in time to view satellite or other imagery that shows the full-extent of the unlawful behavior that has been occurring for 10-years.

1. Google Earth Pro - <https://www.google.com/earth/versions/>
2. The Salt Lake County Assessor map - https://slco.org/assessor/new/javaapi2/parcelviewext.cfm?parcel_ID=&query=Y

My SWPPP complaint is not just about the bridge but the entire 10 acres that has occurred now for years without the city doing anything about it. If you had looked at all at the site you would have realized the scope of the problem and the obvious evidence of the need for a SWPPP all the way from your supposed project "end" through present day. The excuse of the bridge being hard to see from the road seems a little weak when you realize that a full 10-acre site bordering a body of water has been on-going now for 10 years. Your justification of under an acre also rings hollow as I've been involved with multiple projects within SLC that were under an acre, even one that was 1/3 of an acre that required a SWPPP plan. Regardless the total disturbance of land required when properly calculated with the access road, lay down area and equipment storage would easily be over an acre just for the bridge. However it is clearly not just about the bridge when you see all of the disturbance around the entire property. You push a narrative of not needing a permit because it is under an acre but Utah seems to think otherwise and therefore you are out of your compliance requirements with the state.

Utah Administrative Code R317-8-3.9 requires UPDES construction storm water permits for soil disturbances an acre or more, including less than an acre if it is part of a common plan of development or sale (that is over an acre). Soil disturbance is described as clearing, grading, or excavating.

I'm including pictures to show you the extents of the development and the dates that fall FAR outside your "end date" for the original project that required a SWPPP. That entire space as shown in the pictures was raised at least 2-3 feet totaling 10s of thousands of yards of fill. You can see on the property located across the bridge that it has been built so far up that there are erosion problems around the edges falling directly into the canal. It's funny as well that you listed December 2016 as the date for the bridge. That may have been true but I'm curious as to where you found that date. There is a bridge that shows up in the public domain in Feb/2017 but was subsequently removed and not replaced until October/November 2017. You can see in the satellite images from the tools I referred you to that the bridges are of a different construction and you can also observe the bridge heads left after the first bridge was removed. In other words a bridge was built not just once but twice with no permits from anyone. I know I should not have to explain this to anyone but working without appropriate permits constitutes theft from the public coffers. It also has the potential to endanger the public and in your case the the environment the public expects to stay clean. Your department has allowed for nearly 10 years of uncontrolled, unprotected, unpermitted work along 630 feet of open waterway.

The point about the Kier site and Kier having knowledge of the site is that they built a building that sat on top of a CERCLA EPA cleanup site as well as an impromptu landfill in Murray. In other words you have a very high possibility of contaminated and potentially dangerous fill being placed right next to a canal that runs into the Great Salt Lake. Fill was also brought from Hill Air Force Base where it was supposed to be disposed in a licensed facility which clearly the Larkin property is not. Whether you would approve of such a thing or not is irrelevant to me but if in the future it become a problem for future generations or even another property owner the information is now available and the city can not say they did not know. "If you see something say something" is often bandied about as some type of phrase important for the public to participate in government. Unfortunately it should be followed by "just don't expect that anyone will listen". It definitely should be pointed out that despite the people you are reporting to they do not consider themselves to be citizens of the same state. Now that all of you in this email chain have become aware of such a gross abuse of permitting why is it entirely upon me to talk to other government agencies? Do you have no stake in the game? Does "It's not in my job description" also bleed into "It's not in my citizen's description"? Are you not citizens of the State of Utah?

Finally, why are SWPPP plans and permits not available to GRAMA requests? I asked for the plans and permits for this property and the GRAMA response was there was none. In one case when I inquired at Building Services in person I was told all plans tied to the property including SWPPP are not available for release.

Based on your initial response I am pretty confident that this information will die right here and your department will do absolutely nothing despite obvious evidence literally at your fingertips. If that happens to be the case you will simply be condoning theft of public coffers. You will also be confirming that it is cheaper, not at all dangerous for developers, contractors and property owners to operate without permits.

Sincerely,

Sunkills

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----- Original Message -----

On Saturday, August 12th, 2023 at 4:43 AM, Archuleta, Greg <Greg.Archuleta@slcgov.com> wrote:

Sunkills:

Thank you for bringing your complaints to our attention. To respond directly to your comments regarding SWPPP permitting at the site, in question:

- Salt Lake City Department of Public Utilities' Stormwater Quality Division (SLCDPU-SWQ) has record that a land disturbance project for the Larkin Tree Farm took place in 2013-2014 at one of the parcels you mentioned in your complaint (0809476028000).
 - The scope of that project's work did not include construction of a bridge across the canal.
 - To our knowledge, appropriate SWPPP permits were taken out and that original Larkin Tree Project was completed in 2014.
- As it was built several years later (approximately December of 2016), the construction of the bridge in question would not have been part of the previous Larkin Tree Project permit and would likely not have met the thresholds for a SWPPP permit per the City's MS4 Permit with the State (being <1-acre in disturbance).
 - Also, SLCDPU-SWQ was not made aware of the project at that time, so no SWPPP permitting was required, and the size or scope of the project is not known to us now so we have no way of saying if permitting should have been required.
 - However, it seems unlikely that SWPPP permitting would have been required due to the small footprint of the bridge.
- As for the import of soils by Kier Construction from the Artesian apartment building site, that project is outside of Salt lake City's jurisdiction and we cannot confirm if SWPPP permits were in place or if the project complied with any SWPPP regulations at that time.
 - However, SLCDPU-SWQ was not aware of the use of the Larkin Tree site for purposes of supporting the Artesian project, nor would we have prevented it (although if it met the threshold for requiring permitting at that time, we would have moved forward with permitting, had we been aware of it).
- The Fugitive Dust Control plan/program is a State of Utah Department of Environmental Quality's Division of Air Quality (DAQ) program and any complaints regarding a fugitive dust control permit, or lack thereof, should be brought to the attention of the state of Utah's DAQ.

I hope I have answered the SWPPP questions to your satisfaction. As for any questions regarding the permitting or design of the Bridge itself, I do not have access to that information.

Thank you for your time and apologies for the late response.

Regards



GREG ARCHULETA

Stormwater Quality Program Manager

DEPARTMENT of PUBLIC UTILITIES

1530 South West Temple

Salt Lake City, Utah 84115

Office: (801) 483-6821 Mobile: (801) 347-4007

Email: greg.archuleta@slcgov.com

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From: Anderson, Troy <T.Anderson@slcgov.com>

Sent: Tuesday, August 1, 2023 3:31 PM

To: Pond, Beauen <Beauen.Pond@slcgov.com>

Cc: Beitel, Kristeen <Kristeen.Beitel@slcgov.com>; Rogers, Jason <Jason.Rogers@slcgov.com>; Archuleta, Greg <Greg.Archuleta@slcgov.com>; Storm Water Quality <stormwaterquality@slcgov.com>

Subject: RE: Bridge built over public waterway

Beauen,

There was a complaint about a bridge being built without permit. The address is 2026 West 2670 North. Please create a BCE and send an inspector to verify this. If they need a permit, please move forward with a stop card and let them know that they need permits.



TROY ANDERSON

Building Services Manager

BUILDING SERVICES | SALT LAKE CITY CORPORATION

Mobile: (801) 718-4341

Tel: (801) 535-7968

Email: t.anderson@slcgov.com

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Disclaimer: The Building Services Division strives to give the best customer service possible and to respond to questions as accurately as possible based upon the information provided. However, answers given prior to permit approval are not intended

to approve, and cannot approve, construction in violation of the State Construction and Fire Codes or the Salt Lake City ordinances. Relying on preliminary written or verbal feedback is not binding and does not substitute for an approved Building Permit, which can be obtained by submitting a permit application to the Building Services Division.

TEL 801-718-4341

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From: Draper, Jason <Jason.Draper@slcgov.com>

Sent: Tuesday, August 1, 2023 10:30 AM

To: Storm Water Quality <stormwaterquality@slcgov.com>; Anderson, Troy <T.Anderson@slcgov.com>; Archuleta, Greg <Greg.Archuleta@slcgov.com>

Cc: Beitel, Kristeen <Kristeen.Beitel@slcgov.com>

Subject: Re: Bridge built over public waterway

This also may need a floodplain development permit and a grading/site development permit. Do we have the address for these parcels?

Jason Draper, PE, CFM

Development Review Manager - Floodplain Administrator

Salt Lake City Department of Public Utilities

From: Storm Water Quality <stormwaterquality@slcgov.com>

Sent: Monday, July 31, 2023 10:55 AM

To: Anderson, Troy <T.Anderson@slcgov.com>; Archuleta, Greg <Greg.Archuleta@slcgov.com>

Cc: Storm Water Quality <stormwaterquality@slcgov.com>; Beitel, Kristeen <Kristeen.Beitel@slcgov.com>; Draper, Jason <Jason.Draper@slcgov.com>

Subject: RE: Bridge built over public waterway

Troy,

My supervisor ([@Archuleta, Greg](mailto:Greg.Archuleta@slcgov.com)) is out of the office today but will be back tomorrow. I will discuss with him and we will get back to you. But I am able to confirm that the complaint does seem to be valid. We just weren't aware of it because the property (and associated disturbances) are well out of view from the roadway (although seems to be visible from I-215) and on the edge of our Municipal boundary. We will look into this further and formulate a response, as soon as possible. It is very likely

they will need permitting, but the fugitive dust control and 401-certification (for the bridge construction) are state permits that the complainant should take up with the State (in their respective divisions of Air Quality and Water Quality).

Thanks for bringing this to our attention.

Regards,



MATTHEW HENDRIX CPESC | *(He/Him/His)*

Stormwater Compliance Specialist

DEPARTMENT of PUBLIC UTILITIES | SALT LAKE CITY CORPORATION

STORMWATER QUALITY DIVISION

Office: (801) 483-6729 | Mobile: (801) 654-1902

Email: Matthew.Hendrix@slcgov.com

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From: Anderson, Troy <T.Anderson@slcgov.com>

Sent: Monday, July 31, 2023 9:53 AM

To: sunkills@proton.me

Cc: Storm Water Quality <stormwaterquality@slcgov.com>; Petro, Victoria <Victoria.Petro@slcgov.com>; Puy, Alejandro <alejandro.puy@slcgov.com>; Wharton, Chris <Chris.Wharton@slcgov.com>; Valdemoros, Ana <Ana.Valdemoros@slcgov.com>; Darin Mano <darin.mano@gmail.com>; Dugan, Dan <Daniel.Dugan@slcgov.com>; Young, Sarah <Sarah.Young@slcgov.com>; Anderson, Ken <Kenneth.Anderson@slcgov.com>; Weiler, Scott <scott.weiler@slcgov.com>; Beitel, Kristeen <Kristeen.Beitel@slcgov.com>; Draper, Jason <Jason.Draper@slcgov.com>

Subject: Bridge built over public waterway

Sunkills,

I received your complaint and have CC'd both SLC public utilities and SLC engineering. It doesn't sound like this falls under the purview of building services, however, I will continue to follow up to ensure that you get the correct department. I will look into the lapse of response time from Carol. I added the complaint below. My contact information is at the bottom of this email.

Engineering: 801-535-7961

I sent this email to Carol Vaea in the building department a week ago with neither an out-of-office reply or a bounce back message. I also did not receive any response from Ms. Vaea so I am now forwarding to other parties within the city.

Bottom line someone built a bridge over a public waterway without building permits, SWPPP permits or air quality permits. SWPPP permits and air quality permits have also been missing now for 10 years as required for the earthwork that was also done at the site besides the bridge building as required by SLC code.

Sent with [Proton Mail](#) secure email.

----- Forwarded Message -----

From: sunkills <sunkills@proton.me>

Date: On Monday, July 24th, 2023 at 9:31 PM

Subject: Official Complaint

To: Carol.Vaea@slcgov.com <Carol.Vaea@slcgov.com>

I pen this letter to lodge a formal complaint against environmental malpractices and unlawful construction activities that have transpired on two specific parcels since summer 2013. I regret to inform you that these properties have consistently breached the Salt Lake City (SLC) codes for over a decade.

The concerned properties are designated under the following parcel numbers:

08-10-300-012-0000

08-09-476-028-0000

A simple glance at Google Earth or Salt Lake County assessor maps will provide evidence of these parcels accepting thousands of tons of fill, a significant portion of which contained waste and originated from the Artesian apartment building site as can be confirmed by Kier Construction (801-627-1414). Unfortunately, these activities have transpired without the necessary Storm Water Pollution Prevention Plan (SWPPP) being filed or the rightful SWPPP procedures being implemented. This is particularly alarming considering that both properties sit adjacent to a canal which eventually drains into the vulnerable ecosystem of the Great Salt Lake and its surrounding territories.

Moreover, the prerequisite fugitive dust control plan, as mandated by the State of Utah, seems to be absent from the activities carried out on these parcels.

During the period between October 05, 2017, and November 20, 2017, an unauthorized construction of a bridge took place. While my resources are limited to the Acela database, I have been advised by the city that there are no permits associated with

these parcels. Given that these properties are adjacent to a city/county-owned canal, structural and flood engineering documentation and permits should naturally be on file. However, these too appear to be missing.

Furthermore, according to city regulations, any area causing a disturbance of over half an acre must have a SWPPP in place. The violation of this regulation on these parcels has persisted for more than a decade.

If this letter doesn't find you as the rightful authority to address these concerns, I kindly request you to forward this to the relevant individual or department. I anticipate being kept informed on the follow-ups, decisions, fines, penalties, and all correspondence related to this matter as a recognition of my efforts in bringing these severe city code violations to light. I also expect my personal information to remain confidential in accordance with GRAMA rules regarding complaint lodging parties.

Your prompt attention to this critical matter will be highly appreciated.

Best Regards,

Sunkills

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Building Services Manager

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3.13 MB 1 file attached 2 embedded images

Larkin 2.pdf 2.62 MB