

**STATE OF UTAH**  
**DIVISION OF WATER QUALITY**  
**DEPARTMENT OF ENVIRONMENTAL QUALITY**  
**SALT LAKE CITY, UTAH**

**Section 401 Water Quality Certification No. DWQ-2023-01001**

**Project Proponents:** Tyler Richards, Operations Manager  
Logan City Environmental Department  
153 North 1400 West  
Logan, Utah 84321

**Project:** The Logan City Environmental Department (LCED) is proposing the construction of an additional 10-acre concrete/asphalt composting pad to expand LCED's new biosolids compost processing facility in Logan, Utah. Phase I of construction was completed, which created a 5-acre elevated asphalt surface for composting. No wetlands were impacted during that phase. The total Project survey site area consists of 27 acres. The proponent proposes Phase II of constructing the composting and green waste facility. Completing Phase II will allow LCED to move the entire green waste program from the previous location to begin operations at the new location. The Project's purpose is to construct a facility that can meet the increasing waste need of Logan City. The Project will also include the construction of a UDOT approved access road, site screening landscaping, a detention pond, and a "Welcome to Logan" sign. The project proponent will permanently impact 0.032 acres of a Logan Cow Pasture Canal and 5.4 acres of wetlands. Approximately 42,686 cubic yards of dredge and fill material will be utilized to fill the Logan Cow Pasture Canal and Palustrine Emergent Wetlands onsite. To mitigate the Project impacts onsite, the proponent proposes to create a wetland area to meet 1.5:1 mitigation USACE ratio requirements. The mitigation would occur 0.3 acres south of the project site and create approximately 8.1 acres of wetland and upland buffer areas. LCED has utilized this mitigation in the past, creating wetlands in the surrounding location of the mitigation site.

**Location:** The proposed project will be located in Logan, Utah approximately 1.5 miles west of 10<sup>th</sup> West between SR 30 and the Logan Sewer Lagoons. The location of the project is at 41.738826, -111.888243 degrees. The proposed project mitigation site is located approximately 0.3 miles south of the project footprint.

**Watercourse(s):** The project will permanently impact 0.032 acres of Logan Cow Pasture Canal, 4.92 acres of Palustrine Emergent Wetlands, and 0.48 acres of Palustrine Emergent Marsh Wetlands will be permanently impacted.

**USACE Section 404:** SPK-2012-01298

**Effective Date:** Pending

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PENDING DRAFT

## I. Definitions

- A. **Designated Beneficial Uses** means a water's present most reasonable uses, grouped by use classes to protect the uses against controllable pollution. Beneficial uses designated within each class are described in Utah Administrative Code (UAC) R317-2-6 and waterbodies beneficial uses can be found in UAC R317-2-13. For the purposes of this document, the term "designated beneficial uses" will be used to describe all uses required to be protected by Utah water quality standards and antidegradation policy.
- B. **Blue Ribbon Fishery:** status administered by the Utah Division of Wildlife Resources and the Blue Ribbon Advisory Council that indicates the waterbody has high quality in the following attributes: fishing, outdoor experience, fish habitat, and economic benefits.
- C. **Beneficial Use Classes** are how waters of the state are grouped and classified to protect against controllable pollution the beneficial uses designated within each class. UAC R317-2-6.
- D. **Category 3 Waters** are waters where *"point source discharges are allowed and degradation may occur, pursuant to the conditions and review procedures outlined in Section 3.5"*, as described in UAC R317-2-3.4.
- E. **Designated Beneficial Uses** means a water's present most reasonable uses, grouped by use classes to protect the uses against controllable pollution. Beneficial uses designated within each class are described in Utah Administrative Code (UAC) R317-2-6 and waterbodies beneficial uses can be found in UAC R317-2-13.
- F. **Existing Uses** *"means those uses actually attained in a water body on or after November 28, 1975, whether or not they are included in the water quality standards."* UAC R317-1-1. *"If a situation is found where there is an existing use which is a higher use (i.e., more stringent protection requirements) than that current designated use, the Director will apply the water quality standards and anti-degradation policy to protect the existing use."* UAC R317-2-3.
- G. **Level I Antidegradation Review (ADR):** *"is conducted to insure that existing uses will be maintained and protected."* UAC R317-2-3.5
- H. **Level II Antidegradation Review (ADR)** is conducted to insure that water quality degradation is necessary and that the proposed activity is documented to be both economically and socially important. Level II ADRs are required for any activity that's impacts are not considered temporary and limited and is likely to result in degradation of water quality.
- I. **Project Proponent** *"means the applicant for license or permit or entity seeking certification."* 40 CFR §121.1.
- J. **Protection Category:** *"Utah's surface waters are assigned to one of three protection categories that are determined by their existing biological, chemical and physical integrity, and by the interest of stakeholders in protecting current conditions."* Utah Antidegradation Review Implementation Guidance (V 2.1)
- K. **Total Maximum Daily Load (TMDL)** *"means the maximum amount of a particular pollutant that a waterbody can receive and still meet state water quality standards, and an allocation of that amount to the pollutant's sources."* UAC R317-1-1
- L. **Waters of the United States (WOTUS)** means waterbodies subject to the provisions of the Clean Water Act.
- M. **303(d) list** is a state's list of impaired and threatened waters, including but not limited to; streams, lakes, and reservoirs adopted to implement the Clean Water Act Section 303(d).

## II. Acronyms

AC – acres  
AU – Assessment Unit  
BMPs – Best Management Practices  
CFR – Code of Federal Regulations  
CWA – Clean Water Act  
CY – cubic yards  
DEQ – Utah Department of Environmental Quality  
DWQ – Utah Division of Water Quality  
EPA – Environmental Protection Agency  
mg/L – milligrams per liter

MS4 – Municipal Separate Storm Sewer System  
NTU – Nephelometric Turbidity Units  
NWP – nationwide permit  
PEM1B-Palustrine Emergent Marsh Wetland (saturated)  
PEM1E – Palustrine Wet Meadow Wetland (seasonally flooded/saturated)  
SWPPP – stormwater pollution prevention plan  
TMDL – Total Maximum Daily Load  
TSS – total suspended solids  
UAC – Utah Administrative Code  
UDOT –Utah Department of Transportation  
UPDES – Utah Pollutant Discharge Elimination System  
USACE – U.S. Army Corps of Engineers  
WQC – Water Quality Certification  
WQS – Utah Water Quality Standards  
WOTUS – Waters of the United States

### III. Executive Summary

Pursuant to Section 401 of the CWA 33 U.S.C. Section 1251 et seq., the DWQ grants Water Quality Certification to Logan City Environmental Department (LCED) for the proposed Logan Biosolids Project in Logan, Cache County Utah. Certification is subject to the conditions outlined in this document and adherence to any U.S. Army Corps of Engineers (USACE) Section 404 Permit Conditions. The conditions outlined in this Certification are necessary to assure compliance with effluent limitations, monitoring requirements, and/or other applicable laws and regulations adopted for state primacy of the CWA.

DWQ’s conditions are based on and are necessary to comply with applicable state rules. Specifically, the following Utah rules represent overarching considerations that require the conditions outlined by this document to apply to the USACE Section 404 Permit: Utah’s rules promulgating standards of quality for waters of the State affirm *“it shall be unlawful and a violation of these rules for any person to discharge or place any wastes or other substances in such manner as may interfere with designated uses protected by assigned classes or to cause any of the applicable standards to be violated”* UAC R317-2-7.1.a. Additionally, *“all actions to control waste discharges under these rules shall be modified as necessary to protect downstream designated uses”* UAC R317-2-8. As stated in UAC R317-15-6.1 the Director will ordinarily consider whether the proposed discharge *“impairs the designated beneficial use classifications (e.g., aquatic life, drinking water, recreation) in Section R317-2-6”* UAC R317-15-6.1. A.1., *“exceeds water quality criteria, either narrative or numeric, in Section R317-2-7”* UAC R317-15-6.1A.2. or *“fails to meet the antidegradation (ADR) requirements of Section R317-2-7”* UAC R317-15-6.1A.3.

DWQ received a pre-filling meeting request on December 1, 2022 a pre-filling meeting was held on December 5, 2022. Gary Vance of J-U-B- Engineers, Inc submitted an application on behalf of Tyler Richards with LCED (project proponent) for the Logan Biosolids Project on January 19, 2023. On January 27, 2023 the project proponent received a notice from Michael Pectol from the USACE requesting more information. On February 1, 2023, Michael Pectol with the USACE determined the reasonable period of time to be 90 days from January 19, 2023, which requires the Director to act by April 19, 2023. After review of the Certification application for the Logan Biosolids project it was deemed complete by DWQ on February 6, 2023. On March 7, 2023 updated project information was sent to DWQ by Tyler Schade of J-U-B Engineers, Inc.

## IV. Background

### A. Project

LCED has operated a windrow composting facility adjacent to the Logan Landfill since 1996. The composting facility processes green waste. This process includes grinding, screening, composting, and coloring mulch products. Due to a significant increase in the amount of green waste, the growth of Cache County, and a new wastewater treatment plant producing biosolids, there is a need for a larger composting facility. In 2020 the City received 18,051 tons of green waste, which equates to an average increase of 1,000 tons annually. The purpose of this Project is to complete the new LCED facility so it can begin operations that will keep up with composting demand. The proposed Project will be located in Logan, Utah, approximately 1.5 miles west of 10th West between SR 30 and the Logan Sewer Lagoons. This proposal is Phase II of the facility constructions. LCED has already constructed five acres of elevated asphalt surface for operations in Phase I. The project proponent proposes constructing ten additional acres of compost area. A concrete foundation for the pad will require fill to be placed in wetlands to allow compost to remain dry. This project proposal includes the creation of a detention pond just south of the composting area. The detention pond will be used as a surge pond for stormwater management. This project proponent also proposes constructing a UDOT approved access road, site screening landscaping, and a “Welcome to Logan” sign. Additional wetland impacts and WOTUS will be impacted along the southern half of the property south of the Cow Pasture canal to construct the UDOT approved access road.

### B. Impact

A total of 9.93 acres of wetlands were delineated within the survey area. Two canals totaling 0.54 acres were identified in the survey area. However, not all waterbodies fall under the regulatory authority of the USACE. The proposed Project will permanently impact 0.032 acres of Logan Cow Pasture Canal predominantly due to construction of a UDOT approved access road. 4.92 acres of Palustrine Emergent Wetlands (PEM1E) and 0.48 acres of Palustrine Emergent Marsh Wetlands (PEM1B) will be permanently impacted by the new LCED composting facility. The proponent proposes that the Project will require 42,686 CY of fill to be placed on site in wetland and the Logan Cow Pasture Canal. The fill material used will consist predominantly of Granular Burrow. Excavated soils from mitigation work will be transported to the project area for future use at the landfill.

### C. Alternatives/Minimization

The project proponent considered multiple locations before choosing the Project site. These were dismissed due to the cost and distance from the wastewater treatment plant and potential impacts. One site preferred by LCED was considered. It was City owned and would have fewer wetland impacts than the proposed project. This location was not selected due to public resistance and concerns about unpleasant odors and public health hazards. This proposed site was the best fit to meet Project and public needs. LCED proposed utilizing Best Management Practices (BMPs) to minimize adverse project effects and ensure minimal impacts on biological resources. These proposed actions include but are not limited to: the use of temporary erosion and sediment control devices, nest surveys to reduce impacts on nesting and migratory bird, and sediment and debris storage and control measure. Revegetation of native seed mix will occur when appropriate where ground disturbance has occurred. Contractors will prepare a stormwater prevention pollution prevention plan (SWPPP) to outline plans to reduce any sediment leaving the site or entering a WOTUS. Construction BMPs and SWPPP development will be utilized at the Project and mitigation site.

### D. Mitigation

Compensatory Mitigation for the Project impacts proposed by the proponent is to create a wetland mitigation site just south of the Project areas. LCED has already successfully created wetlands nearby as mitigation for previous projects. Compensatory mitigation will be at a 1.5:1 ratio. Based on this, LCED will create 7.38 acres of PEM1E and 0.72 acres of PEM1B wetlands. To create wetlands, grading, and excavation will be used to lower ground level to appropriate subgrade elevation. Topsoil will be stored and

reapplied to the mitigation site. Other excavated materials will be moved to an approved upland location and stored for future use at the landfill. The mitigation site will also be revegetated. LCED is responsible for meeting performance standards, monitoring, and maintenance of mitigation site as approved by USACE. LCED will also implement BMPs during the construction of the wetlands.

## V. Aquatic Resource Impacts

All Waters of the State of Utah (defined in UAC R317-1-1) are protected from pollutant discharges that affect water quality by narrative standards (see UAC R317-2-7.2); broadly, discharges should not become offensive or cause undesirable conditions in human health effects or aquatic life. In addition, some particularly sensitive classes of water are further protected from deleterious effects of specific pollutants by application of numeric criteria to designated beneficial uses of that waterbody. Listed below are the water features, grouped by AUs, impacted by the Project, their associated designated beneficial uses (see UAC R317-2-6 and UAC R317-2-13) and any impairments:

### A. Logan Cow Pasture Canal (WOTUS) [1]

#### 1. Beneficial Use Designations

- a. Class 2B: Protected for infrequent primary contact recreation. Also protected for secondary contact recreation where there is a low likelihood of ingestion of water or a low degree of bodily contact with the water. Examples include, but are not limited to, wading, hunting, and fishing.
- b. Class 3D: Protected for waterfowl, shore birds and other water-oriented wildlife not included in Classes 3A, 3B, or 3C including the necessary aquatic organisms in their food chain.

#### 2. Impairments and Total Maximum Daily Loads (TMDLs): N/A

#### 3. Antidegradation Review

Logan Cow Pasture Canal are is considered Category 3 waters for antidegradation purposes. Category 3 waters in Utah are waters where “*point source discharges are allowed and degradation may occur, pursuant to the conditions and review procedures outlined in Section 3.5*”, as described in UAC R317-2-3.4. The antidegradation policy allows for discharges where the water quality effects of the proposed Project are determined to be temporary and limited after consideration of the factors identified in UAC R317-2-3.5. b.4., and where BMPs would be employed to minimize pollution effects.

### B. PEM Wetlands [2]

#### 2. Beneficial Use Designations

- a. Class 2B: Protected for infrequent primary contact recreation. Also protected for secondary contact recreation where there is a low likelihood of ingestion of water or a low degree of bodily contact with the water. Examples include, but are not limited to, wading, hunting, and fishing.
- b. Class 3D: Protected for waterfowl, shore birds and other water-oriented wildlife not included in Classes 3A, 3B, or 3C including the necessary aquatic organisms in their food chain.

#### 3. Impairments and TMDLs: N/A

#### 4. Antidegradation Review

The PEM wetlands are considered a Category 3 water for antidegradation purposes. Category 3 waters in Utah are waters where “*point source discharges are allowed and degradation may occur, pursuant to the*

<sup>1</sup> In UAC R317-2-13, all waters not specifically classified are presumptively classified 2B and 3D.

<sup>2</sup> In UAC R317-2-13, all waters not specifically classified are presumptively classified 2B and 3D.

*conditions and review procedures outlined in Section 3.5*”, as described in UAC R317-2-3.4. The antidegradation policy allows for discharges where the water quality effects of the proposed Project are determined to be temporary and limited after consideration of the factors identified in UAC R317-2-3.5.b.4., and where BMPs would be employed to minimize pollution effects.

## VI. Certification Conditions

- A. All activities with a potential discharge to WOTUS must implement and maintain BMPs to fully protect the waterbodies assigned beneficial use(s).
- B. Hazardous and otherwise deleterious materials (e.g. oil, gasoline, chemicals, trash, sawdust, sediment etc.) shall not be stored, disposed of, or accumulated or conveyed through adjacent to or in immediate vicinity WOTUS unless adequate measures and controls are provided to ensure those materials would not enter WOTUS in the State of Utah. **Any spill or discharge of oil or other substance which may cause pollution to WOTUS in the State of Utah, including wetlands, must be immediately reported to the Utah DEQ Hotline at (801) 536-4123, a 24-hour phone number.**
- C. All activities conducted in WOTUS in the State of Utah shall be conducted in the “dry” to the maximum extent practicable, by diverting flow utilizing cofferdams, berms constructed of sandbags, clean rock (containing no fine sediment) or other non-erodible, non-toxic material. All diversion materials shall be removed at the completion of the work. The Project Proponent shall consider conducting instream work during low flow conditions and work shall not be conducted during spawning season. Additionally, construction machinery shall not be operated within WOTUS in the State of Utah unless it is unavoidable, in which case it shall be conducted in the “dry” as stated above. The work shall be conducted in a manner to minimize the duration of the disturbance, turbidity increases, substrate disturbance, and minimize the removal of riparian vegetation. Construction machinery shall be clean to prevent the transfer of aquatic invasive species.
- D. Construction activities that disturb either greater than one acre of land, or less than one acre of land and is part of a larger common plan of development that would disturb greater than one acre, are required to obtain coverage under the Utah Pollutant Discharge Elimination System (UPDES) Storm Water General Permit for Construction Activities (Permit No. UTRC00000<sup>[3]</sup>). The permit requires the development of a Storm Water Pollution Prevention Plan (SWPPP) to be implemented and updated from the commencement of any soil disturbing activities at the site, until final stabilization of the project. The SWPPP should include, but not be limited to, final site maps and legible plans, location of storm water outfalls/discharges, and information pertaining to any storm water retention requirements.
- E. Dewatering activities, if necessary during construction, may require coverage under the UPDES General Permit for Construction Dewatering (Permit No. UTG070000<sup>[4]</sup>) applies to the construction dewatering of uncontaminated groundwater or surface water sources due to construction activities; hydrostatic testing of pipelines or other fluids vessels; water used in disinfection of drinking water vessels; and other similar discharges in the State of Utah that have no discharge of process wastewater. The permit requires submission of a Notice of Intent (NOI); maintenance of a discharge log; development and implementation of a dewatering

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<sup>3</sup> <https://documents.deq.utah.gov/water-quality/stormwater/construction/DWQ-2020-013890.pdf>

<sup>4</sup> <https://documents.deq.utah.gov/water-quality/permits/updes/DWQ-2019-005143.pdf>

control plan; and monitoring for Flow, Oil & Grease, pH, Total Suspended Solids (TSS), and Chlorine (required when chlorinated water is used and discharged to a stream with a chlorine standard). Discharge Monitoring Reports (DMRs) are required to be submitted monthly, regardless of whether a site discharges in a particular month.

## VII. Condition Justification and Citation

- A. Implementation of BMPs. Project approval is conditioned on implementation of BMPs, which are required to be implemented by the antidegradation policy in UAC R317-2-3, water quality standards may be violated unless appropriate BMPs are incorporated to minimize the erosion-sediment and nutrient load. Violations of water quality standards could cause a waterbody to fail to meet its designated beneficial uses. As required by Utah's antidegradation policy UAC R317-2-3.1 *"Existing instream water uses shall be maintained and protected. No water quality degradation is allowable which would interfere with or become injurious to existing instream water uses."* As stated in UAC R317-15-6.1 the Director will ordinarily consider whether the proposed discharge *"impairs the designated beneficial use classifications (e.g., aquatic life, drinking water, recreation) in Section R317-2-6"* UAC R317-15-6.1.A.1., *"exceeds water quality criteria, either narrative or numeric, in Section R317-2-7"* UAC R317-15-6.1.A.2. or *"fails to meet the antidegradation (ADR) requirements of Section R317-2-7"* UAC R317-15-6.1.A.3 when making a Certification decision. If appropriate BMPs are incorporated, there is assurance that the Project will not violate water quality standards or impair a waterbody's beneficial use.

Citation(s): UAC R317-2-3.1, UAC R317-15-6.1, UAC R317-15-6.1.A.1., UAC R317-15-6.1.A.2., UAC R317-15-6.1.A.3.

- B. Proper Storage of Hazardous and Otherwise Deleterious Materials. Project approval is conditioned on proper storage of hazardous and otherwise deleterious materials, and notification of any discharge of those materials, to assure that water quality and narrative standards are not violated. When projects are occurring in or around waterbodies, there is a chance for pollutants to inadvertently be spilled/discharged into waterbodies due to increased risk from project related activities (e.g. presence of machinery, onsite chemical and gas storage, improper waste storage, and failure to use proper BMPs). To prevent or reduce the possibility that hazardous and otherwise deleterious materials are inadvertently discharged into a waterbody, Project Proponents must not store, dispose of, or accumulated such materials adjacent to or in immediate vicinity of WOTUS unless adequate measures and controls are provided to ensure those materials would not enter waters of the State. If there is a discharge to WOTUS in the State of Utah, it must be immediately reported to the DEQ, as stated in Utah Code Section 19-5-114. An inadvertent discharge of pollutants can cause violations with Utah's Narrative Standards, which states *"It shall be unlawful, and a violation of these rules, for any person to discharge or place any waste or other substance in such a way as will be or may become offensive such as unnatural deposits, floating debris, oil, scum or other nuisances such as color, odor or taste; or cause conditions which produce undesirable aquatic life or which produce objectionable tastes in edible aquatic organisms; or result in concentrations or combinations of substances which produce undesirable physiological responses in desirable resident fish, or other desirable aquatic life, or undesirable human health effects, as determined by bioassay or other tests performed in accordance with standard procedures; or determined by biological assessments in Subsection R317-2-7.3"* UAC R317-3-7.2. Utah's rules promulgating standards of quality for waters of the State affirm *"it shall be unlawful and a violation of these rules for any person to discharge or place any wastes or other substances in such manner as may interfere with designated uses protected by assigned classes or to cause any of the*

*applicable standards to be violated*” UAC R317-2-7.1.a. Discharges of pollutants, even inadvertently, could cause both a violation of applicable water quality standards and possibly interfere with a waterbodies designated uses.

Citation(s): Utah Code § 19-5-114, UAC R317-3-7.2, UAC R317-2-7.1.A, UAC R317-15-6.1., UAC R317-15-6.1.A.1., UAC R317-15-6.1A.2.

- C. Dry Conditions to the Maximum Extent Practicable. Project approval is conditioned on conducting activities under dry conditions to the maximum extent practicable to assure that water quality standards are not exceeded. Construction machinery used within a waterbody can cause significant impacts to water quality if adequate precautions are not taken. When it is unavoidable to operate construction machinery within the waterbody the Project Proponent should focus on minimizing the duration of the disturbance, turbidity increase, substrate disturbance, removal of riparian vegetation, and work shall be conducted in the “dry” to the maximum extent practicable. Minimizing the duration of impact reduces the chance that the impacts will accumulate and cause significant impacts to water quality. Minimizing turbidity increases is important because the State of Utah has numeric water quality criteria for turbidity in certain use designations, which could be violated if the Project Proponent does not take proper steps to minimize the increases. Water quality criteria for turbidity will be violated if there is an increase of 10 NTUs in waterbodies with designated uses related to recreation and if there is an increase of 10 NTUs (class 3A and 3B) or 15 NTUs (class 3C and 3D) in waterbodies with aquatic wildlife designated uses. UAC R317-2-14.1 and UAC R317-2-14.2. Conducting work in the “dry” to the maximum extent practicable will help reduce the risk of the numeric criteria for turbidity to be exceeded, as well as reduce the risk of a significant sediment load being transported downstream. Discharges of sediment can not only violate numeric criteria, but also, risk violating Utah’s narrative standard *“It shall be unlawful, and a violation of these rules, for any person to discharge or place any waste or other substance in such a way as will be or may become offensive such as unnatural deposits, floating debris, oil, scum or other nuisances such as color, odor or taste; or cause conditions which produce undesirable aquatic life or which produce objectionable tastes in edible aquatic organisms; or result in concentrations or combinations of substances which produce undesirable physiological responses in desirable resident fish, or other desirable aquatic life, or undesirable human health effects, as determined by bioassay or other tests performed in accordance with standard procedures; or determined by biological assessments in Subsection R317-2-7.3.”* UAC R317-2-7.2. Violations of numeric and narrative criteria could cause a waterbody not to meet its designated beneficial use and a transport of sediment downstream could prevent a downstream waterbody from meeting its designated beneficial uses. As required by Utah’s antidegradation policy UAC R317-2-3.1 *“Existing instream water uses shall be maintained and protected. No water quality degradation is allowable which would interfere with or become injurious to existing instream water uses”*. Additionally, *“All actions to control waste discharges fix under these rules shall be modified as necessary to protect downstream designated uses”* UAC R317-2-8. As stated in UAC R317-15-6.1 the Director will ordinarily consider whether the proposed discharge *“impairs the designated beneficial use classifications (e.g., aquatic life, drinking water, recreation) in Section R317-2-6”* UAC R317-15-6.1.A.1., *“exceeds water quality criteria, either narrative or numeric, in Section R317-2-7”* UAC R317-15-6.1A.2. or *“fails to meet the antidegradation (ADR) requirements of Section R317-2-7”* UAC R317-15-6.1.A.3 when making a certification decision.

Citation(s): UAC R317-2-3.5., UAC R317-2-7.1.A., UAC R317-2-14.1, UAC R317-2-14.2., UAC R317-2-7.1.a., UAC R317-2-7.2., UAC R317-2-3.1, UAC R317-2-8. , UAC R317-15-6.1, UAC R317-15-6.1.A.1, UAC R317-15-6.1A.2., UAC R317-15-6.1.A.3.

Citations: UAC R317-2-3.1, UAC R317-2-3, UAC R317-2-14.1, UAC R317-2-14.2 R317-15-6.1, UAC R317-15-6.1.A.1, UAC R317-15-6.1A.2., UAC R317-15-6.1.A.3.

- D. UPDES Storm Water General Permit for Construction Activities (Permit No. UTRC00000). UAC R317-8-2.5, gives the Director authority to issue general permits to cover specific categories of discharges, including storm water and construction dewatering that is discharged to a surface water. According to UAC R317-8-3.9 (6)(d), construction activities that result in a land disturbance of equal to or greater than one acre, including clearing, grading, and excavation are “industrial activities” under UAC R317-8-3.9(1)(a) and are therefore required to obtain and comply with a UPDES Permit for storm water discharges. This only applies to projects that meet or exceed one acre of disturbance.

Citation(s): UAC R317-8-3.9(6)(d) and UAC R317-8-3.9(1)(a)

- E. UPDES General Permit for Construction Dewatering (Permit No. UTG070000). UAC R317-8-2.5, gives the Director authority to issue general permits to cover specific categories of discharges, including storm water and construction dewatering that is discharged to a surface water. Under the authority granted by UAC R317-8-2.5, the Director issued the General Permit for Construction Dewatering and Hydrostatic Testing, UPDES Permit No. UTG070000 renewed and effective as of February 1, 2020. UPDES Permit No. UTG070000 applies to construction dewatering of uncontaminated groundwater or surface water sources due to construction activities, hydrostatic testing of pipelines or other fluids vessels, water used in disinfection of drinking water vessels and other similar discharges in the State of Utah that have no discharge of process wastewater. This only applies to projects that require dewatering and discharge to surface water.

Citation(s): UAC R317-8-2.5

## **Disclaimers**

### **A. Fees**

The legislatively-mandated fee for the 2023 fiscal year is \$110.00/hour for review and issuance of the Section 401 Water Quality Certification. A quarterly invoice will be sent and your payment is due within 30 days.

### **B. Disclaimers**

1. The Project Proponent must acquire all necessary easements, access authorizations and permits to ensure they are able to implement the Project. This Section 401 Certification does not convey any property rights or exclusive privileges, nor does it authorize access or injury to private property.
2. This Section 401 Certification does not preclude the Project Proponent’s responsibility of complying with all applicable Federal, State or local laws, regulations or ordinances, including water quality standards. Permit coverage does not release the project proponent from any liability or penalty, should violations to the permit terms and conditions or Federal or State Laws occur.
3. A Project within a Municipal Separate Storm Sewer System (MS4) jurisdiction, must comply with all the conditions required in that UPDES MS4 Permit and associated ordinances. No condition of this Section 401 Certification shall reduce or minimize any requirements provided in the MS4 Permit. In the case of conflicting requirements, the most stringent criteria shall apply.

**VIII. Public Notice and Comments**

As in UAC R317-15-5., this Certification decision is subject to a 30 public notice period. After considering public comment, the Director may execute the Certification issuance, revise it, or abandon it.

- A. Public Notice Dates
- B. Public Notice Comments/Response
- C. During finalization of the Certification certain dates, spelling edits, and minor language or formatting corrections may have been completed. Due to the nature of these changes they were not considered major and the Certification will not be Public Noticed again.

**IX. Water Quality Certification**

The Utah DWQ certifies that if the Project Proponents adhere to the conditions outlined in this Certification and adheres to any USACE Section 404 Permit Conditions, then the Project will comply with water quality requirements and applicable provisions of the CWA sections 301 (Effluent Limitations), 302 (Water Quality Related Effluent Limitations), 303 (Water Quality Standards and Implementation Plans), 306 (National Standards of Performance), and 307 (Toxic and Pretreatment Effluent Standards).

\_\_\_\_\_  
John K. Mackey, Director

\_\_\_\_\_  
Date

DWQ-2023-004095