



UTAH DEPARTMENT of  
ENVIRONMENTAL QUALITY  
**WATER  
QUALITY**

# FACT SHEET

## Record-Setting Snowfall Overwhelming Construction Activities Covered Under a Utah Pollution Discharge Elimination System (UPDES) Permit

### General Scope and Applicability of Fact Sheet

During the winter of 2022-23 the State of Utah has experienced record-setting snowfall. The resulting snowpack is causing Statewide concerns of potential snowmelt, flooding, and excessive surface water and groundwater overwhelming construction site stormwater controls and flooding onsite and offsite property, buildings, and equipment. This fact sheet is being issued by the Division of Water Quality (DWQ) to clarify the measures required by DWQ to protect human health and the environment. This fact sheet is intended for construction activity projects applicable to a UPDES Construction General Permit (CGP) or Common Plan Permit (CPP) and covers the Spring 2023 snowmelt season. In general, UPDES facilities must follow requirements outlined in their permits. However, if the facility has an unpermitted discharge or potentially needs to have an unpermitted discharge to prevent loss of life, personal injury, or severe property damage, they should adhere to the requirements identified within this fact sheet.

### Construction General Permit Discharges

**Allowable Discharges.** Discharges authorized by the CGP and the CPP that are allowed **provided that appropriate storm water controls are designed, installed and maintained:**

#### Storm Water Discharges:

- *Stormwater-* storm water runoff from precipitation, snow melt runoff, and surface runoff and drainage.
- *Snowmelt-* the conversion of snow into overland storm water and groundwater flow as a result of warmer temperatures.

- *Surface water runoff*- accumulations of water on the surface, visible water, standing or flowing, above the surface of the ground.
- *Drainage*-the natural or artificial removal of a surface's water and sub-surface water from an area with excess of water.

### Non-Storm Water Discharges:

- Discharges from emergency fire-fighting activities;
- Fire hydrant flushings;
- Properly managed landscape irrigation;
- Water used to wash vehicles and equipment, provided that there is no discharge of soaps, solvents, or detergents used for such purposes;
- Water used to control dust;
- Potable water including uncontaminated water line flushings;
- External building washdown, provided soaps, solvents, and detergents are not used, and external surfaces do not contain hazardous substances;
- Pavement wash waters, provided spills or leaks of toxic or hazardous materials have not occurred (unless all spill material has been removed) and where detergents (including biodegradable soybean oils and biodegradable detergents) are not used. You are prohibited from directing pavement wash waters directly into any surface water, storm drain inlet, or storm water conveyance unless the conveyance is connected to a sediment basin, sediment trap, or similarly effective control for the pollutants present, per 2.2.5.d., hosing of accumulated sediments on pavement into any storm water
- Uncontaminated air conditioning or compressor condensate;
- Uncontaminated, non-turbid discharges of groundwater (from natural sources) or spring water;
- Foundation or footing drains where flows are not contaminated with process materials such as solvents, contaminated groundwater, or sediment from construction activity.

**Construction Dewatering Discharges:** The act of draining stormwater, surface water and/or groundwater that intersects with excavation from building foundations, vaults, and trenches may be permitted under UTG070000 (Construction Dewatering and Hydrostatic Testing Permit).

- General Permit for Construction Dewatering or Hydrostatic Testing application instruction can be found at: <https://documents.deq.utah.gov/water-quality/permits/updes/DWQ-2019-013422.pdf>
- General Permit for Construction Dewatering or Hydrostatic Testing application website can be found at: <https://secure.utah.gov/account/log-in.html>
- General Permit for Construction Dewatering or Hydrostatic Testing template can be found at: <https://documents.deq.utah.gov/water-quality/permits/updes/DWQ-2021-015934.Docx>

**Treated Groundwater or Surface Water Discharges:** Discharge of treated stormwater, surface water and or/groundwater that have been contaminated by operations located in the State of Utah may be permitted under UTG790000 (General Permit for the Discharge of Treated Groundwater and Surface Water).

- The General Permit for the Discharge of Treated Ground Water can be found at: [https://documents.deq.utah.gov/water-quality/facilities/general-permit-updes/D\\_WQ-2022-022577.pdf](https://documents.deq.utah.gov/water-quality/facilities/general-permit-updes/D_WQ-2022-022577.pdf)
- The General Permit for the Discharge of Treated Ground Water and Surface Water Fact Sheet can be found at: [https://documents.deq.utah.gov/water-quality/facilities/general-permit-updes/D\\_WQ-2022-022579.pdf](https://documents.deq.utah.gov/water-quality/facilities/general-permit-updes/D_WQ-2022-022579.pdf)
- The Notice of Intent (NOI) Form can be found at: [https://documents.deq.utah.gov/water-quality/facilities/general-permit-updes/D\\_WQ-2022-022579.pdf](https://documents.deq.utah.gov/water-quality/facilities/general-permit-updes/D_WQ-2022-022579.pdf)

**Prohibited Discharges.** Discharges not authorized by the Construction General Permit and the Common Plan Permit:

- Wastewater from washout of concrete;
- Wastewater from washout and cleanout of stucco, paint, form release oils, curing compounds and other construction materials;
- Fuels, oils, or other pollutants used in vehicle and equipment operation and maintenance;
- Soaps or solvents used in vehicle and equipment washing;
- Toxic or hazardous substances from a spill or other release; and
- Waste, garbage, floatable debris, construction debris, and sanitary waste from pollutant generating activities.

**Emergency Spill Notification Requirements:** Discharges of toxic or hazardous substances from a spill or other release are prohibited. Where a leak, spill, or other release containing a hazardous substance or oil in an amount equal to or in excess of a reportable quantity occurs during a 24-hour period, you must notify the National Response Center (NRC) at (800) 424-8802. You must also, within seven (7) calendar days of knowledge of the release, provide a description of the release, the circumstances leading to the release, and the date of the release to the DWQ of Water Quality. The DWQ requests that spills are also called into the DEQ Environmental Incidents Hotline at (801) 536-4123.

## Emphasis & Clarifications

**Discharge of Pollutants.** It is a violation of any UPDES stormwater permit to discharge pollutants to stormwater. It is expected that owners, operators, contractors and other

permittees take all necessary precautions to prepare and protect for a large melt. In the event that a prohibited discharge does occur due to a rapid snowmelt, any potential enforcement by DWQ (as always) would take into consideration the full narrative & documentation of events leading up to and after the prohibited discharge.

### General Stormwater and Erosion Control Design, Installation, and Maintenance

**Requirements.** To minimize the discharge of pollutants in stormwater from construction activities, the permit requirements include:

- Account for the expected amount, frequency, intensity, and duration of precipitation. You must design stormwater controls to control stormwater volume, velocity, and peak flow rates to minimize discharges of pollutants.
- Following the installation of stormwater controls for the initial construction activities, adjust storm water control and management strategies throughout the project to meet and match the needs for each phase of construction, if applicable, as the project progresses towards completion.
- Use erosion controls and velocity dissipation devices within and along the length of any stormwater conveyance channel (a temporary or permanent waterway designed and installed to safely convey stormwater flow within and out of a construction site) and at any outlet to slow down runoff to minimize erosion.

**Protect Storm drain inlets.** Proper maintenance of storm drain inlet protection controls in advance of expected high runoff conditions is essential to prevent flooding from clogged inlets and to protect water quality.

- Install inlet protection measures that remove sediment from discharges prior to entry into any storm drain inlet that carries storm water flow from your site to a surface water of the State. Note that inlet protection measures can be removed in the event of flood conditions or to prevent erosion.
- Clean, or remove and replace, the protection measures as sediment accumulates, the filter becomes clogged, and/or performance is compromised. Where there is evidence of sediment accumulation adjacent to the inlet protection measure, remove the deposited sediment by the end of the same business day in which it is found.

## Substantiated Public Emergency

**Provisionally Covered Under the Permit.** Temporary coverage under the CGP is provided for emergency-related projects prior to receipt of a complete and accurate Notice of Intent (NOI). Discharges from earth-disturbing activities associated with the emergency-related projects are subject to the terms and conditions of the permit during the period of temporary coverage.

**Eligibility for Emergency- Related Construction Activities.** If you are conducting earth disturbing activities in response to a public emergency (e.g., natural disaster, widespread disruption in essential public services), and the related work requires immediate authorization to avoid

imminent endangerment to human health, public safety, or the environment, or to reestablish public services, your requirements are:

- a. If the emergency-related activity is accomplished within 30-days you are waived from the normal requirements to submit an NOI and prepare a SWPPP, but you must submit a report to DWQ within 45-days to the water quality electronic submissions portal (<https://deq.utah.gov/water-quality/water-quality-electronic-submissions>) and show each of the following:
  - (1) the nature of the emergency work performed,
  - (2) a description of earth disturbances that occurred,
  - (3) the proximity of the work to waters of the State, and what was done to protect water quality during the emergency work, and
  - (4) the occurrence of the public emergency must be substantiated.
- b. If the emergency activity continues longer than 30-days you are authorized to discharge on the condition that a complete and accurate NOI is submitted within 30 calendar days after commencing earth-disturbing activities establishing that you are eligible under this permit. You are also required to provide emergency documentation in your SWPPP to substantiate the occurrence of the public emergency.

## Contacts

**DEQ Environmental Incidents Hotline: (801) 536-4123**

**Division of Water Quality (DWQ): (801)-536-4300**

### **DWQ UPDES Stormwater Contacts**

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