# §401 Water Quality Certification Application Guidance

The State of Utah Division of Water Quality (DWQ) has prepared this guidance to assist prospective permittees in the completion of the application for Utah 401 Water Quality Certification, Pursuant to Section 401 of the Federal Clean Water Act (CWA), 33 U.S.C. Section 1251 through 1387, and consistent with the Utah Quality Act, Title 1, Chapter 5.

**Filling Out the Application:**

**Section 1: Applicant Information**

Provide the legal name, mailing address, email address, and phone number of the individual, or company proposing the project. If the applicant is a corporation, then it must be signed by an officer of the corporation. Any signature required for the application for Certification shall be provided as describe in [40 CFR Section 122.22(a)](https://www.ecfr.gov/cgi-bin/text-idx?SID=0145ad78a13888d65ab8f289f7da7223&mc=true&node=pt40.24.122&rgn=div5#se40.24.122_122). No other signatures will be accepted. The application will not be considered complete and will not be processed without an appropriate signature.

**Section 2: Additional Contact**

If the applicant is being represented by another person within the company or a consultant, please provide the contact’s name, mailing address, email address, and phone number. You are not required to be represented by another person or company. Complex projects with multiple contactors and responsible parties, should designate a single point of contact to speed up the review process. This contact will be used to request additional information, if needed, for the project.

**Section 3: Project Location/ Information**

Provide specific information relating to the proposed project and location. This includes the project name, county, the nearest City, the USGS 7.5 minute Quadrangle, the street address (if applicable), and a latitude and longitude of project location(s) to the 5th decimal place in decimal degrees. The Quadrangle can be found on the [USGS website](https://ngmdb.usgs.gov/topoview/viewer/#10/40.6108/-112.3084). Additionally, please provide estimated start and end dates for the project.

**Section 4A: Other Permits (Federal, State, or Local)**

Check “Yes” or “No” for questions 1-4. If “Yes” is selected for 2, 3, or 4, then provide the details in the following section (Section 4B: Other Permit Details).

**Section 4B: Other Permit Details**

List any details required based on answers provided in Section 4A. Please list all approvals needed to complete your proposed project and their status. Provide details on any existing or pending permits that will be required to fully operate or successfully complete your project.

**Section 5: Impacted Resources**

Please provide the name(s) of the surface waters to be discharged to/ impacted. Provide the latitude and longitude of each discharge/impact to the 5th decimal place in decimal degrees. Locations should be depicted on map, as required in Section 6, Item 1.

Additionally, please provide the beneficial use classifications for the surface water(s) to be discharged to/impacted, as well as, any impairments or TMDLs (if applicable). To determine beneficial use classifications, impairments, or completed TMDL studies of potentially impacted waters, use [Utah DEQ’s Environmental Interactive Map](https://enviro.deq.utah.gov/). This information can also be found in *UAC* [R317-2-13](https://rules.utah.gov/publicat/code/r317/r317-002.htm).

Beneficial Use designation of Class 1C (Drinking Water Source) of the receiving water or downstream water will require a level II antidegradation review (ADR). Refer to *UAC* [R317-2-3](https://rules.utah.gov/publicat/code/r317/r317-002.htm#T5) and the [DWQ’s Antidegradation review webpage](https://deq.utah.gov/water-quality/antidegradation-reviews-water-quality) for further ADR guidance.

**Section 6: Drawing/Plan Requirements**

Information requested for this section in items 1-3, should be provided on 8½ by 11 inch plan sheets. Please select “Yes or “No” for if the attachment was included in the application. If the attachment was not included, please explain why.

Please try to keep extraneous detail on maps to a minimum. The maps should focus on the location of structures, fill/excavation/disposal/monitoring locations, and associated water bodies, including wetland delineations. Cross section views of each water body to be potentially impacted should be provided and it should indicate the amount of fill or excavation. All maps/plans should include a North arrow, scale, and property/project boundaries.

**Section 7: Other Required Attachments**

Please provide the information in an attachment(s) to this application for items 1-7, in this section. Please select “Yes or “No” for if the attachment was included in the application. If the attachment was not included, please explain why.

**Item 1:** Provide a narrative description of the proposed project, including the purpose and need for the overall project. Include the steps that will be taken to avoid adverse impacts and minimize the extent and severity of impacts, even if temporary, to waters of the State. Include the methods of excavation, grading or fill, and the material to be excavated or used as fill. Include a description of equipment and techniques that will be utilized to complete this project. You should include any supplemental environmental reports, assessments, or other documents that explain or justify the proposed project. Provide a detailed analysis on the composition of each of the discharges including chemical, physical, and biological constituents. Provide as much detail as possible of the potential impacts to and their expected time duration.

**Item 2:** Identify all potential water bodies, including wetlands and unnamed streams receiving discharge(s).

For streams, provide a description of each stream on the site, including channel length, width, and depth, as well as, water depth and substrate. Describe the type, age, and width of the vegetative buffer adjacent to the watercourse(s). Provide the linear footage of each stream potentially impacted by the proposed project. Describe present and proposed adjacent landuses, to the extent known.

For wetlands, provide acreage of each wetland potentially impacted by the project. Provide descriptions of the wetland(s) including the type(s) of wetland(s) (forested, emergent, etc.), the source of hydrology, and dominant vegetation. Describe present and proposed adjacent landuses, to the extent known.

For lakes and ponds, provide the name of the lake or pond and the stream that flows in or out of it, if any. Provide the size (in acres) and describe the adjacent vegetation. Provide the depth of the waterbodies in the project area. Describe present and proposed adjacent landuses, to the extent known.

Define how your discharge(s):

1. Will meet the antidegradation requirements in*UAC* [R317-2-3](https://rules.utah.gov/publicat/code/r317/r317-002.htm#T5). You can also refer to [DWQ’s Antidegradation review webpage](https://deq.utah.gov/water-quality/antidegradation-reviews-water-quality).
2. Will not exceed the amount of pollution to prevent he waterbodies from meeting beneficial use designations in *UAC* [R317-2-13](https://rules.utah.gov/publicat/code/r317/r317-002.htm).
3. Will not exceed the assigned waterbodies numeric and narrative standards.

Identify pollution control measures, both short-term and long-term, to be used to prevent State Water Quality Standard violations. Provide a technical description, using diagrams as necessary, of the types of measures to be taken to prevent or minimize adverse impacts affecting water quality and the beneficial uses of the waterbodies. Include methods to minimize turbidity and types of erosion prevention and sediment control measures being used during the project. Provide details on measures being used in the waterbodies being altered (e.g. temporary check dams, diversion channels, cofferdams, etc.)

Be sure to include any anticipated natural resource benefits that will occur as a result of your proposed project, such as improved water quality, riparian vegetation, fish habitat, etc.

**Item 3:** Provide any information on anticipated monitoring of the water quality and characteristics of the discharges. ( It is possible that monitoring may not be required.) The determination on whether monitoring will be required or not will be based heavily on the information provided in Section 7: 1 & 2.

**Item 4:** Provide any supporting documentation submitted to federal agencies. You should attache a copy of the USACE permit application and its attachments.

**Item 5:** Provide information on any other requirements of State Law that are applicable to this project. This includes requirements under:

1. [Utah Water Quality Act, Section 114](https://le.utah.gov/xcode/Title19/Chapter5/19-5-S114.html?v=C19-5-S114_1800010118000101) (Spills or discharges of oil or other substances).
2. [*UAC* Section R317-2-12](https://rules.utah.gov/publicat/code/r317/r317-002.htm#T14) ( Category 1 and Category 2 Waters).
3. [*UAC* Section R317-2-3](https://rules.utah.gov/publicat/code/r317/r317-002.htm#T5) ( Antidegradation Policy).
4. [UPDES Stormwater General Permit for Construction Activities Permit No. UTR000000](https://documents.deq.utah.gov/water-quality/permits/updes/DWQ-2017-003485.pdf).
5. [UPDES General Permit for Construction Dewatering Permit No. UTG070000](https://documents.deq.utah.gov/water-quality/surface-water/updes/DWQ-2013-011661.pdf).

**Item 6:** List the names and addresses of the landowners adjacent to the project or adjoining (private or public), lessees, etc. to the property on which your proposed project is located. Adjacent or adjoining property owners are those that share property lines with the property where the project will occur.

**Item 7:** Describe any unique procedures or processes that are out of the ordinary for your type of activity.

**Submitting the Application:**

We currently except electronic applications, which may change in the future. You can submit electronic submittals to Leanna Littler (lnlittler@utah.gov). You may also submit the application via mail to:

Utah Department of Environmental quality

Division of Water Quality (UDWQ)

401 Water Quality Certification Program

P.O. Box 144870

Salt Lake City, Utah 84114

**Fees:**

The legislatively-mandated fee for the 2019 fiscal year is $100.00/hour, for review and issuance of the §401 Water Quality Certification. A quarterly invoice will be sent once plans have been approved. Your payment is due within 30 days.

**Embedded Hyperlinks:**

1. 40 CFR Section 122.22(a): <https://www.ecfr.gov/cgi-bin/text-idx?SID=0145ad78a13888d65ab8f289f7da7223&mc=true&node=pt40.24.122&rgn=div5#se40.24.122_122>
2. USGS Website (Quadrangle): <https://ngmdb.usgs.gov/topoview/viewer/#10/40.6108/-112.3084>
3. Utah DEQ’s Environmental Interactive Map: <https://enviro.deq.utah.gov/>
4. R317-2-13: <https://rules.utah.gov/publicat/code/r317/r317-002.htm>
5. R317-2-3: <https://rules.utah.gov/publicat/code/r317/r317-002.htm#T5>
6. DWQ’s Antidegredation review webpage: <https://deq.utah.gov/water-quality/antidegradation-reviews-water-quality>
7. Utah Water Quality Act, Section 114: <https://le.utah.gov/xcode/Title19/Chapter5/19-5-S114.html?v=C19-5-S114_1800010118000101>
8. R317-2-12: <https://rules.utah.gov/publicat/code/r317/r317-002.htm#T14>
9. UPDES Stormwater General Permit for Construction Activities Permit No. UTR000000: <https://documents.deq.utah.gov/water-quality/permits/updes/DWQ-2017-003485.pdf>
10. UPDES General Permit for Construction Dewatering Permit No. UTG070000: <https://documents.deq.utah.gov/water-quality/surface-water/updes/DWQ-2013-011661.pdf>
11. Division’s Electronic Document Portal: <https://rules.utah.gov/publicat/code/r317/r317-002.htm>