FACT SHEET

2026 RENEWAL OF THE UTAH CONSTRUCTION STORM WATER COMMON PLAN PERMIT

UPDES PERMIT No. UTRH00000

GENERAL PERMIT INFORMATION

This permit renewal serves as a replacement of the previous Storm Water General Permit for Construction Activities (Permit) issued on February 1, 2021 (UTRH00000). That permit henceforth will be referred to as the Utah Construction Stormwater Common Plan Permit (Permit). The Permit is a general permit that will continue the permit coverage of construction activity for storm water discharges throughout the State of Utah except within Indian country, which is managed and overseen by the EPA. This Permit covers discharges from construction activities as defined in Utah Administrative Code (Utah Admin. Code) R317-8-3.9(6)(d)10 (construction activity 5 acres or more) and R317-8-11.3(6)(e)1 (construction activity 1 to 5 acres).

BACKGROUND

The storm water program, authorized by the Federal Clean Water Act (CWA), became effective in October 1992 and requires that construction activities disturbing 5 acres or more—or smaller parcels that are part of a common development plan—obtain a storm water permit (UAC R317-8-3.9(1)(a)). Later, Phase II expanded this requirement to include "small construction" projects, defined as soil disturbances affecting from one to less than 5 acres (UAC R317-8-3.9(6)(e)).

The Utah Division of Water Quality (DWQ) administers the Utah Pollution Discharge Elimination System (UPDES) program under an EPA memorandum dated July 7, 1987. UPDES permits for construction storm water discharges must meet technology-based effluent limitations and, when applicable, new source performance standards set forth under CWA Section 306. These standards, part of the EPA Effluent Limitations Guidelines and New Source Performance Standards for Construction and Development (40 CFR 450, known as the C&D Rule), include non-numeric limits for erosion and sediment controls, pollution prevention, soil stabilization, dewatering, prohibited discharges, and surface outlets. To comply with these requirements, DWQ currently issues the Common Plan Permit (UTRH00000) for single-lot residential construction within a larger common plan of development that disturbs one or more acres.

PERMIT DEVELOPMENT INFORMATION

The Storm Water Permit for Construction Activity Connected with Single Lot Housing Projects (UTRH00000) was first issued in 2015, and reauthorized in 2021, to complement the existing Utah Construction General Permit (CGP) by providing coverage tailored for small residential projects. This permit was designed for small home builders, those constructing ten or fewer house projects per year, and owner-builders who may lack the resources or permitting expertise of larger entities. The permit's clear and direct language is also intended to assist local building authorities in explaining stormwater requirements.

While larger residential construction ventures can apply for coverage under this permit, doing so would require managing multiple small area permits, which may be more costly and less efficient. Conversely, small home builders who are comfortable with the more complex requirements of the CGP may choose to obtain coverage under the CGP based on permit regulation preferences.

SIGNIFICANT CHANGES FROM THE EARLIER PERMIT

This Permit has been adapted from the 2021version and the 2022 Federal CGP. Many changes in the revised

permit are related to grammar and language revisions aimed at enhancing clarity, readability, and overall flow, while retaining its original intent. The permit has been reorganized to align with regulatory standards for language and structure, making it easier to understand and implement. For sections that have been removed, the wording has been identified in red with a line through it. For new parts that have been added, the wording is identified in red. This fact sheet only includes significant changes to the Permit. For the purposes of this document, significant changes shall include those changes that are large or important enough to affect or impact a requirement to a noticeable degree (i.e. not to include wording changed for clarity, organizational changes, Utah Admin. Code or Code of Federal Regulations (C.F.R.) updates, Permit part references, grammatical corrections, etc.).

Part 1 – COVERAGE UNDER THIS PERMIT

Formerly 1.1.6: Common Plan of Development Limitations
2021 Permit
~~"If the purpose of the project lot within common plan of development has been completed, the lot is no longer eligible for coverage under the Common Plan Permit. The purpose is considered complete as lots or separated sections of the development are completed, the lot or section is stabilized, and the plan purposes are fulfilled for that area, lot, or section."~~

The Eligibility criteria in Part 1.1.1 appropriately discuss the conditions for coverage under this permit. Additional information on "Common Plan of Development" for permit purposes is available in Part 6.

1.2.1: Discharges Allowed
2021 Permit
~~"This permit allows discharges of storm water from construction activity at a project site, provided the storm water discharge meets the requirements within this permit."~~
2026 Permit
"Discharges associated with construction activity under Utah Admin. Code R317-8-11.3(1)(a) or 11.3(6)(e) are permitted under this permit, provided that all storm water controls are designed, installed, and maintained per the permit requirements (See Part 2)."

The 2026 language clarifies permitted discharges by specifically referencing Utah Admin. Code R317-8-11.3(1)(a) and (6)(e) emphasizing that all storm water controls must be designed, installed, and maintained appropriately, rather than simply stating that discharges must meet permit requirements as in the 2021 version.

1.2.2: Non-Storm Water Discharges Allowed

2026 Permit

"The following non-storm water discharges are allowed, provided that compliance with all applicable requirements outlined in Part 2 are met:
a. Flushing from potable or irrigation water sources where they have not been used for a washing or cleaning activity;
b. Water used for dust control;
c. Discharges from emergency fire-fighting activities,
d. Spring water and groundwater that have not been mixed with sediment or other pollutants from construction activity;
e. Discharge from footing drains that has not been mixed with sediment or other pollutants from construction activity, and;
f. Water used for washing vehicles, equipment, or external building surfaces is permitted, so long as no soaps, solvents, or detergents are discharged and the surfaces do not contain hazardous substances."

The addition of 1.2.2.f, retrieved from the CGP, recognizes that such washout activities are common in residential construction and clarifies the conditions for acceptable discharges, while the remaining non-storm water discharge categories remain unchanged.

1.6: Notice of Intent

2021 Permit

~~"The permit may be obtained online at the Utah Department of Environmental Quality (DEQ) UPDES Permits website at https://deq.utah.gov/water-quality/general-construction-storm-water-updes-permits. Click on the "UPDES NeT Apply Online" button. Create an account, or if an account has already been created, proceed with providing the information requested. The notice of intent (NOI) for this permit is the same NOI that is used for the CGP, UTRC00000. To complete the application process the permittee must pay a permit fee. The NOI may be filled out electronically using the online permit application system. The NOI can also be submitted using a downloadable pdf version of the NOI obtained from the same website cited above along with the permit fee. The form and fee can either be hand delivered to Utah Division of Water Quality [DWQ], 195 North 1950 West, Salt Lake City, Utah, 3rd floor in the MASOB building, or mailed to DWQ, P.O. Box 144870, Salt Lake City, Utah 84114-4870. When a party receives coverage under the permit, they will receive a permit number, and the opportunity to download a copy the NOI and Authorization to Discharge Letter for "proof of coverage." A copy of this permit may be downloaded from the Online Permits Database."~~

2026 Permit

"The permittee shall first develop a Storm Water Pollution Prevention Plan (SWPPP) (see Part 4), then submit a complete and accurate NOI, and pay the Permit fee. The NOI shall be filled out electronically using EPA's NPDES eReporting Tool (NeT) at https://cdx.epa.gov/cdx/ online permit application system.

The NeT system can also be accessed online at the Utah Division of Water Quality Webpage Construction Storm Water Permit (UPDES) - Utah Department of Environmental Quality. Refer to the help files and resources available on the webpage for further instruction. Once the NOI submission is processed, the contacts provided in the NOI will receive written authorization to discharge, which includes the UPDES permit number and a downloadable copy of both the NOI and Authorization to Discharge Letter as proof of coverage.

All NOI application packages, including Authorization to Discharge letters and SWPPPs shall also be

submitted to regulated MS4s (see the list of MS4s on the DWQ website https://deq.utah.gov/water-quality/municipal-separate-storm-sewer-system-ms4s-permits-updes-permits). Not all municipalities are regulated MS4s (as defined in Part 6).

In the 2026 Permit, the process has been streamlined and clarified: the NOI must now be completed exclusively using EPA's NPDES eReporting Tool (NeT) accessed via the DEQ UPDES Permits website, eliminating the option for a downloadable PDF version, except in the case of a waiver (see Permit Part 1.6.1). The instructions for creating an account, submitting the NOI, and paying the permit fee have been made more precise. It also clarifies the need to first develop a SWPPP before obtaining an NOI.

1.6.1: Waiver and Paper Submission Option

2026 Permit

"A NeT online submission is mandatory unless the applicant seeking permit coverage qualifies for a waiver; for example, if the applicant's operational headquarters is located in a broadband-underserved area or if the applicant has limited computer access. To request a waiver, submit a written, signed request (in accordance with Part 5.16) that clearly identifies the qualifying circumstance. If a waiver is granted, the applicant will be given a paper NOI form to complete and mail in, along with the permit fee, to the Division of Water Quality at PO Box 144870, Salt Lake City, Utah 84114-4870."

In alignment with new changes to the 2024 CGP, the 2026 Permit now requires that the NOI be submitted electronically via EPA's NeT, eliminating the printable PDF option. However, a waiver option is included for those with limited computer access or broadband availability.

1.6.2: Signature on the NOI

2021 Permit

~~"The owner and the general contractor, which in some cases could be the same party, must sign the downloadable pdf version of the NOI (see 5.16.1.a) and place it in the storm water pollution prevention plan (SWPPP) along with the Authorization to Discharge Letter. (see 4.2.8). In the online permits database, if technical limitations prevent the signature of both owner and operator, either the owner or operator is acceptable, but the owner's signature is preferred."~~

2026 Permit

"The NOI shall be signed by an authorized signatory as required in Part 5.9, whether submitted online or via a paper waiver. Typically, this signature comes from either the owner or the general contractor."

The 2021 Permit required both the owner and general contractor to sign the downloadable NOI and include it in the SWPPP, but allowed either signature (with a preference for the owner's) if technical issues prevented dual signatures. The 2026 Permit now requires that the NOI be submitted electronically via EPA's NeT, eliminating the printable PDF option. The 2026 Permit now mandates electronic submission via EPA's NeT system, which supports only one signatory per application. Consequently, the NOI must be signed by an authorized signatory as defined in Part 5.9, typically either the owner or the general contractor. This update ensures consistency with federal code, state statute, and the detailed requirements in Part 5.9.

1.6.3: Permit Renewal

2026 Permit

This permit shall be renewed annually on the anniversary date of the original NOI submission by logging into the NeT account with signatory or managing roles for the permit, updating any information as needed, and paying the annual permit fee. Renewal is required until all construction is complete, and the conditions specified in Part 1.6.7 are met.

The key change is the addition of Part 1.6.7 (NOT) requirement. In the 2026 Permit, annual renewal continues in the same manner but must be maintained until all construction is complete and the conditions specified in Part 1.6.7 are met.

1.6.4: Start and End of Permit Coverage

2021 Permit

Permit coverage begins immediately upon completion and submission of an NOI and the permit fee. If the NOI is submitted electronically on-line permit coverage begins on that day, upon the receipt of the Authorization to Discharge Letter. If the NOI is submitted by mail permit coverage begins when the NOI is received and entered into the on-line data base by DWQ staff, and an Authorization to Discharge Letter is generated with coverage dates, for the permittee. ~~For projects within the jurisdiction of a regulated MS4 (see definitions in Part 6; the list of regulated MS4s is found on https://deq.utah.gov/water-quality/municipal-separate-storm-sewer-system-ms4s-permits-updes-permits), the permittee must also notify and receive approval for the project from the regulated MS4 having jurisdiction before the project may commence (see 4.2.11.). The permit fee is an annual fee that must be paid yearly on the anniversary date of permit issuance.~~ The permit will remain effective until one ~~of the following occurs: The permit will remain effective until one~~ of the following occurs:

a. The permittee completes the notice of termination (NOT) process, as outlined in section 1.7,
b. The permittee fails to ~~submit the yearly permit fee,~~
~~c. Aside from permit coverage, which may be renewed annually by the permittee, as needed, this general permit expires every 5 years and normally is renewed through a public notice process by DWQ. In the event that the permit nears the end of its 5 year cycle, and the year of permit coverage for a construction site extends beyond the expiration date for the permit, the permittee must request continuing coverage through the permit renewal process. Otherwise permit coverage for a construction site will terminate when the general permit expires. Renewal of permit coverage can be done in the online electronic storm water data base up to 12 months prior to the expiration of the permit, or by letter received by DWQ before the expiration date of the specific permit coverage in question where concurrently all entries in the NOI can be updated as needed.~~

~~1.6.3.a. If a renewal permit has been issued and is in place at the expiration date of this permit, this permit will terminate and coverage under the renewed permit will begin on the expiration date unless 1.7.1 has been invoked by the permittee.~~
~~1.6.3.b. If a renewal permit has not been issued, this permit will be administratively extended until a renewal permit is issued or it is determined that this permit will not be continued. If a renewal permit is issued, and the permittee indicated a desire for continuing coverage under the new permit, coverage will continue for the permittee under the new permit coverage unless 1.7.1 is invoked. If the permit is discontinued, the permittee must continue coverage under another general permit or an individual permit.~~

2026 Permit

"Permit coverage begins immediately upon submission of an NOI and payment of the permit fee. If the NOI is submitted electronically, coverage begins on the same day that the NOI is submitted and the Authorization to Discharge Letter is received. For mailed NOI submissions, coverage begins when DWQ staff receive and enter the NOI into the online database, generating an Authorization to Discharge Letter with the applicable coverage dates. The permit will remain effective until one of the following occurs:

a. The permittee completes the notice of termination (NOT) process, as outlined in section 1.6.7;
b. The permittee fails to renew the permit or pay the annual permit fee; or
c. The director rescinds or revokes your Permit coverage for the project site.

The core requirements remain the same, but the language has been streamlined for clarity. This revised language comes from the CGP. One notable change is to 1.6.3, clarifying that to extend coverage you must renew the permit and pay the fee.

1.6.5: NOI Modification Requirements
2026 Permit
"If , the information submitted in the NOI is or becomes inaccurate, the permittee shall submit a "Change NOI" form through NeT that includes the updated or corrected information. If the permittee had been granted a waiver from electronic reporting, the permittee shall request a paper NOI modification form from the DWQ to complete and mail in to the address listed in Part 1.6.1."

In alignment with new changes to the 2024 CGP, the 2026 Permit now requires that changes to an NOI be submitted electronically via EPA's NeT.

1.6.6: Continuation of Coverage After this Permit Expires
2021 Permit
~~1.6.3.a. If a renewal permit has been issued and is in place at the expiration date of this permit, this permit will terminate and coverage under the renewed permit will begin on the expiration date unless 1.7.1 has been invoked by the permittee.~~ ~~1.6.3.b. If a renewal permit has not been issued, this permit will be administratively extended until a renewal permit is issued or it is determined that this permit will not be continued. If a renewal permit is issued, and the permittee indicated a desire for continuing coverage under the new permit, coverage will continue for the permittee under the new permit coverage unless 1.7.1 is invoked. If the permit is discontinued, the permittee must continue coverage under another general permit or an individual permit.~~
2026 Permit

"This Permit is valid for five (5) years from the date issued. If DWQ does not reissue or replace this permit by the expiration date, the Director will administratively extend the Permit until a comparable permit is issued. Permit coverage will continue under this permit until the earliest of the following occurs:

a. The permittee's authorization for coverage under a reissued or replacement version of this Permit;
b. the permittee's submittal of a Notice of Termination, submitted at: https://cdx.epa.gov/cdx/; or
c. the issuance of an individual permit or denial of coverage (see Part 1.4) for the project's discharges.

DWQ reserves the right to modify, revoke, or reissue this Permit as allowed under Utah Admin. Code R317-8-5.6. If this occurs, the Director will notify the permittee of any relevant changes to this Permit."

This section discusses the coverage of this permit in respect to the permits' 5-year life cycle. The new section 1.6.6 has been separated out of 1.6.3 from the old permit for organization.

1.6.7: Notice of Termination (NOT):

2021 Permit

~~1.7 "The permittee must terminate the permit by submitting an NOT when the project is completed. The NOT must be filed and retained for 3 years after the permit has been terminated (see 3.7). To terminate the permit, the permittee must comply with either 1.8.1 or 1.8.2, outlined below, and must comply with 1.8.3 if the project is within the jurisdiction of a regulated MS4 (see http://www.deq.utah.gov/Permits/water/updes/stormwatermun.htm for regulated MS4s):"~~

2026 Permit

When the project is completed, the permittee shall terminate permit coverage by submitting a NOT via NeT unless the permittee had been granted a waiver from electronic reporting. The NOT shall be filed and retained for 3 years after the permit has been terminated (see 3.5.1). The permittee shall submit a NOT within 30 calendar days after any one of the following conditions occurs:

a. Final stabilization is achieved, meaning landscaping is complete and the site meets the "final stabilization" criteria (defined in Part 6);
b. For residential projects where final stabilization has not been established, the building shall be complete and either in process of being sold or ready for homeowner occupancy. In these cases, the lot shall have perimeter controls on downslope boundaries and stabilization controls on all surfaces with slopes of 20% (1 to 5 slope, or 11.3 degrees) or greater to prevent erosion and soil migration offsite; or,

Expired permits that meet the conditions outlined for termination are required to submit a NOT in NeT even if the 30-day window for submitting a NOT has lapsed. Termination is finalized when an MS4 or the DWQ approves the final inspection for the project confirming conditions meet NOT requirements.

The termination process has been updated to require that a Notice of Termination (NOT) be submitted electronically via NeT, unless a waiver is granted, and that the NOT be filed within 30 calendar days after any termination condition occurs. These changes are adapted from the CGP.

Part 2 – GENERAL STORM WATER CONTROL REQUIREMENTS

2: General Storm Water Control Requirements
2021 Permit
~~"Pollution Prevention Requirements"~~
2026 Permit
"General Storm Water Control Requirements"

To eliminate confusion between the language used in the CGP and the CPP and to align with the definitions in 40 CFR Part 450, we have standardized terminology throughout this document, as defined in Part 6. "Storm water controls" now encompasses all general control measures, including both erosion and sediment controls as well as pollution prevention controls. In the 2021 permit, these measures were referred to solely as pollution prevention controls, which may have been misleading. Consequently, Part 2 of the permit has been reorganized into Section 2.1 (erosion and sediment controls) and Section 2.2 (pollution prevention controls), although the overall measures and intent remain the same.

2.1.2: Perimeter Controls
2021 Permit
"Perimeter controls such as silt fences, straw wattles, other filter berms, cut back curbs, vegetative buffers, etc., ~~must be properly placed on the downslope sides~~ of the project to prevent sediment from leaving the site during a storm event. ~~As perimeter controls become loaded to 1/3 of capacity, they must be cleaned.~~"
2026 Permit
"Install perimeter controls such as silt fences, straw wattles, other filter berms, cut back curbs, vegetative buffers, etc., along the downslope edge of the project to prevent sediment from leaving the site during a storm event. To prevent stormwater from bypassing controls, install these controls along the slope's contour and extend both ends upslope at approximately a 45° angle to form a crescent shape rather than a straight line. Remove accumulated sediment before it reaches half the height of the control."

The Permit includes additional perimeter control installation and maintenance requirements that are focused on ensuring that these controls continue to work effectively. One added provision requires the operator to "install the perimeter control on the contour of the slope and extend both ends of the control up slope (e.g., at 45 degrees) forming a crescent rather than a straight line." The purpose of this requirement is to prevent stormwater from flowing around the sides of the perimeter control. The Permit also changed the requirement that sediment to be removed from one-third to one-half of the above-ground height of any perimeter control. This is consistent with the maintenance criteria in EPA's Best Management Practices (BMPs) specifications as well as other state BMP guidelines for these controls.

2.1.3: Inlet Protection
2026 Permit

"Protect storm-drain inlets on the project site and on adjacent roads immediately downslope if they receive drainage from the active construction site. Inlet protection may include rock wattles, sand or gravel bags, and other proprietary devices. Be aware that sand or gravel bags and rock wattles are susceptible to damage, for example, by snow plows during the winter, and may require regular maintenance or replacement. Clean, or remove and replace, the inlet 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 it was discovered."

This includes instructions on regularly maintaining storm drain inlets to prevent clogging and ensure effective operation, including the removal of accumulated sediment. This is consistent with the maintenance criteria in EPA's Best Management Practices (BMPs) specifications, the CGP, as well as other state BMP guidelines for these controls.

2.1.4: Track Out Controls

2021 Permit

~~Track Out. Track-out pads (see definitions) and or rumble strips (see definitions) must be used to prevent dirt/mud tracked on streets as vehicles leave the site. If traffic onto and off the site is not frequent, a site operator may impose a blanket prohibition of vehicle traffic onto the site, allowing for the occasions to deliver and unload, but afterwards providing sweeping and/or cleaning of tracked out dirt (keep in mind that vehicles leaving a muddy site with no track out protection can track mud for several blocks – the operator is liable for all track out from the site except for a dirt stain after sweeping – see note after 3.2.2.). Dirt or mud tracked out on the street must not be washed or hosed into a storm drain. Tracked out mud or dirt on the street must be swept and/or scraped up as needed every day (see 3.2.2).~~

2026 Permit

Restrict vehicle access to designated exit points and use appropriate stabilization techniques at all points that exit onto paved areas. Track-out controls (defined in Part 6), a track-out pad for example (defined in Part 6), shall be used to prevent dirt and mud from being tracked onto streets as vehicles leave the site. If traffic to and from the site is infrequent, the site operator may impose a blanket prohibition of vehicle traffic onto the site, allowing for the occasions to deliver and unload, but afterwards providing sweeping and/or cleaning of tracked out dirt attributable to the site operations. Do not wash or hose off tracked-out dirt or mud into storm drains; instead, sweep or scrape the area as needed each day (see Part 3.2.2).

The revised permit approach does not list the specific track out controls that shall be used at designated exit points. For additional examples of appropriate BMPs to use, please refer to the List of Preferred BMPs posted on the Division of Water Quality website, or on the website of the Municipal Separate Storm Sewer System that the project is located within.

2.1.6: Provide and Maintain Natural Buffers

2021 Permit

~~"If a waterbody is adjacent to, within 50 feet from, or passing through the project boundaries, a 50-foot natural buffer between the waterbody and construction activity must be provided. If a 50-foot natural buffer cannot be provided, a substitute control measure equivalent to the 50-foot buffer must be provided, or the SWPPP must contain an explanation why neither is feasible. If it is not feasible to maintain a 50-foot natural buffer, as much natural buffer as is possible must be preserved and coupled with placement of additional erosion and sediment controls designed, implemented, and maintained to substitute and be~~

~~equivalent to the 50-foot natural buffer.~~

~~The requirement for a natural buffer or substitute controls does not apply to any area outside of the project boundaries, but if a waterbody is within, for example, 20 feet from the project boundary, there must be 30 feet of natural vegetative buffer or substitute controls.~~

~~2.3.5.a. Substitution for a natural buffer should be calculated with models such as USDA's RUSLE2 or WEPP, or by using SEDCAD, SEDIMOT, or other similar models. In lieu of using a model for calculation of a substitution buffer, the permittee shall deploy the following:~~

~~2.3.5.a.i. For every full 9 feet of natural buffer that is not provided on slopes up to 10 percent, one row of an effective perimeter control, such as a silt fence, staked straw wattle, proprietary or other filter berm, or other perimeter control, must be properly placed. For example, if only 15 feet of natural buffer can be provided, the permittee will substitute one row of a perimeter control in addition to the 15 feet of natural buffer to make up for the 15 feet of buffer that could not be preserved.~~

~~2.3.5.a.ii. In addition to the requirements above for substitutions in place of the 50-foot natural buffer, on slopes between 10 percent and 30 percent, five feet of surface stabilization must be placed down gradient of and between each perimeter control substituted. For slopes steeper than 30 percent, 6 feet of surface stabilization must be placed downgradient of and between each perimeter control substituted, such as mulch, hydromulch, wood chips, bark, compost, erosion mat, etc., but excluding tackifiers."~~

2026 Permit

Provide a 50-foot natural vegetative buffer between construction activities and any waterbody that is inside or within 50 feet of project boundaries. If maintaining a 50-foot natural buffer is not feasible, retain as much natural vegetation as possible and install additional erosion and sediment controls in compliance with the alternatives listed below.

Substitution for a natural buffer can be calculated with models such as USDA's RUSLE2 or WEPP, or by using SEDCAD, SEDIMOT, or other similar models. In lieu of using a model for calculation of an appropriate substitution control, the permittee shall choose one of the alternatives below based on the retained buffer width:

(1) If a 50-foot buffer is retained, no additional controls are required.

(2) If a buffer between 30 and 50 feet is retained, install double perimeter controls.

(3) If the retained buffer is 30 feet or less, install double perimeter controls spaced at least 5 feet apart and complete the required stabilization activities (per Part 2.1.7) within 7 calendar days of ceasing earth-disturbing activities.

Ensure that all discharges from the earth-disturbed area into the natural buffer are first treated by the site's erosion and sediment controls. Use velocity dissipation devices where needed to reduce storm water energy within the buffer.

Note that the natural buffer or substitute control requirement only applies to areas within the project boundaries; for example, if a waterbody is located within 20 feet of the project boundary, the permittee shall provide a 30- foot natural vegetative buffer or equivalent substitute controls.

Here we have adopted Option 1 from Appendix A of the CGP Small Residential Lots section. The revised Permit approach streamlines buffer requirements to ensure effective water quality protection without being overly prescriptive. If maintaining a full 50-foot buffer is not feasible, permittees must retain as much natural vegetation as possible and implement additional erosion and sediment controls according to defined compliance alternatives. For example, if the retained buffer is less than 50 feet, additional measures, such as double perimeter controls, or, if the buffer is 30 feet or less, double perimeter controls spaced at least 5 feet apart combined with stabilization measures, must be applied to achieve equivalent

sediment removal. Permittees must document the actual buffer width retained, the supplemental controls implemented and provide a rationale in their SWPPP if full buffer protection is not achieved. This change offers greater flexibility for small residential projects without compromising the overall objectives of erosion and sediment control.

2.1.7: Stabilization Requirement

2021 Permit

~~"2.6.1. Stabilization requirements for areas that receive 20 inches of rainfall annually or greater: Stabilization of disturbed areas must, at a minimum, be initiated immediately whenever any clearing, grading, excavating or other earth disturbing activities have permanently ceased on any portion of the site or have temporarily ceased on any portion of the site for greater than 14 calendar days. Stabilization can be sodding, planting, application of mulch (wood chips, rock, gravel, bark, compost, cat tracking on straw, hydromulch, etc.), application of geotextiles or erosion blankets, application of a tackifier, seeding (including preparation for germination and growth), a combination of these methods, or other method.~~

~~2.6.2. Stabilization or equivalent requirements for arid and semi arid areas (areas receiving less than 20 inches of rainfall annually): Stabilization for visually flat areas is not required (roughly up to 5 percent, 1 to 20 slope, or 2.3 degrees slope). Areas with slopes up to roughly 20 percent (1 to 5 slope or 11.3 degrees) must have, at minimum, velocity control devices in every area where storm water collects and flows, spaced close enough across the flow to stop erosion (see also 2.3.3). Soil surface stabilization such as sodding, planting, hydromulch, compost, bark, cat tracking on straw, gravel, geotextiles, erosion blankets, or other stabilization methods is required on all other sloped areas, increasing the robust nature of stabilizing cover commensurately with increasingly steeper slopes.~~

~~2.6.3. Permanent Stabilization for Arid areas.~~

~~2.6.3.a. In addition to requirements above (see 2.6.2), permanent stabilization requires seeding with a seed mix of plants indigenous to the area or tolerant to the local climatic conditions that does not include invasive species on all areas that are not covered with permanent stabilization elements or structural elements such as building structure or pavement, or that are engineered or intended for structural purposes like graveled parking or dirt roads.~~

~~2.6.3.b. Disturbed areas on projects located outside of populated and developed areas and where no irrigation water is available and where future periodic landscaping maintenance is not planned must be reclaimed with a seed mix of plants indigenous to the area or tolerant to the local climatic conditions that does not include invasive species. Velocity control devices may be permanent or temporary. If velocity control devices are intended for temporary use, they must be biodegradable and designed durable enough to withstand extreme weather."~~

2026 Permit

"Implement and maintain stabilization measures that minimize erosion from any areas of exposed soils on the site as follows:

a Stabilization requirements for areas that receive greater than 20 inches of rainfall annually: Begin installing stabilization measures on any exposed soil where construction has stopped permanently or will be inactive for 30 or more days. Do this as soon as possible and no later than the 30th day of inactivity and complete the installation within 30 days of initiation. For vegetative stabilization, stabilization is achieved when all seeding or planting tasks are complete, including any necessary non-vegetative cover (e.g., mulch or erosion control blanket). For non-vegetative stabilization, it is achieved once all required measures have been applied.

b Stabilization or equivalent requirements for arid and semi-arid areas (areas receiving less

than 20 inches of rainfall annually): Begin stabilization measures as soon as site conditions allow. For vegetative stabilization, stabilization is achieved when all seeding or planting tasks are complete, including any necessary non-vegetative cover (e.g., mulch or erosion control blanket). For non-vegetative stabilization, it is achieved once all required measures have been applied."

c Areas with steep slopes: Install temporary non-vegetative stabilization measures, (e.g., mulch, erosion control blanket or other erosion protection devices) as needed to prevent erosion on steep slopes.

In revising the stabilization requirements, we have streamlined the language to provide greater clarity and flexibility for small residential lots, where stabilization, whether vegetative or non-vegetative, is expected to occur across the site. The new Section 2.1.7 distinguishes between areas receiving more than 20 inches of rainfall and arid/semi-arid areas (those receiving less than 20 inches), offering clear, yet adaptable, guidance for each scenario. For wetter areas, stabilization must begin promptly when construction ceases and be completed within 30 days (increased from the previous 14 days), while for arid and semi-arid areas, stabilization measures should be implemented as soon as site conditions allow, without overly prescriptive deadlines in alignment with CWA and CGP.

Notably, the previous language in Sections 2.6.2 and 2.6.3 was deemed overly prescriptive, more stringent than required under the CWA and the CGP and was not found in either. The revised language removes these excessive requirements while still ensuring that effective stabilization is achieved, thereby aligning the permit more closely with the CWA and CGP standards.

Formerly section 2.2: Protection of Critical / Sensitive Areas

2021 Permit

~~2.2. Protection of Critical or Sensitive Areas: Critical or sensitive areas such as preservation of the drip line around trees, wetlands, buffer zones by water bodies, etc., must be separated and isolated by clearly marking the areas with environmental fencing.~~

Section 2.2 of the 2021 CPP "Protection of Critical / Sensitive Areas" has been removed from the new permit as the requirement is inconsistent with the Utah Construction General Permit. Furthermore, wetlands and waterways are protected in the CPP by buffer zone requirements part 2.1.6 and are required to be displayed in maps in the SWPPP requirements section 4.2.3.

2.2.1: Vehicle, Wheel, and Other Washing

2026 Permit

"Minimize the discharge of pollutants from equipment and vehicle washing, wheel-wash water, and other wash waters. Ensure there is no discharge of soaps, solvents, or detergents in equipment and vehicle wash water."

This includes a provision that prohibits the discharge of pollutants typically generated during washing processes.

2.2.4: Waste and Debris
2026 Permit
"Provide sufficient waste containers (such as dumpsters or trash receptacles) to accommodate all construction and domestic waste. The site shall be cleaned of waste and debris daily (see daily self-inspection 3.2.2). Waste and debris shall be contained and secured adequately to prevent scattering from wind until it is removed from the site and disposed of properly."

This change emphasizes the importance of effective waste management on construction sites to protect water quality by requiring sufficient waste containers.

2.2.5: Portable Toilet
2021 Permit
"Portable toilets must be tied down, staked down, or secured using other measures to prevent ~~turn over, and they must be placed away from a road gutter, storm water inlet, or waterbody.~~"
2026 Permit
"Portable toilets shall be tied down, staked down, or secured using other measures to prevent them from being tipped or knocked over. They shall be placed at least 10 feet away from a constructed or natural drainage feature, inlet, curb and gutter, or waterbody. If maintaining a minimum 10-foot separation is not possible, evaluate the need for additional controls such as secondary containment, additional surface preparation, or berms. Implement additional controls as appropriate."

The new language clarifies and expands upon the old requirement for portable toilet placement to better protect water quality and prevent potential pollutant discharges. It now specifies that portable toilets must be located at least 10 feet away from any constructed or natural drainage feature, inlet, curb and gutter, or waterbody. This explicit distance requirement is intended to provide clarity on permittee expectations and to reduce the risk of contaminants entering storm water systems.

Additionally, the revision provides guidance for situations were maintaining a 10-foot separation is not possible. In such cases, permittees must evaluate and implement additional controls, such as secondary containment, enhanced surface preparation, or berms, to mitigate the risk. This change aligns with a performance-based approach modeled in CWA and CGP.

2.2.6: Washing of Concrete, Stucco, and Paint Equipment
2021 Permit
"A lined, leak-proof pit or a rigid, leak-proof container must be provided for washout of equipment used

for concrete, stucco, and water-based paint. ~~After completion of concrete, stucco, and paint tasks, the permittee must dispose of the waste by drying and sending solids to a landfill.~~ Oil-based paint cleanout must be done in containers, taken off-site, and disposed of separately"
2026 Permit
"Provide a lined, leak-proof pit or a rigid, leak-proof container for washout of equipment used for concrete, stucco, and water-based paints. Allow washout liquids to evaporate and send the remaining solids to a landfill. Dispose of oil-based paint cleanout into designated containers that are taken off-site and disposed of separately. Do not dump liquid waste on the ground for infiltration purposes nor allow it to enter any constructed or natural drainage features, storm drain inlets, or waters of the state."

The clarification to evaporate liquids was introduced, and the detail of after completion of work was removed. The new permit includes a provision that prohibits the dumping or infiltration of pollutants typically generated during equipment washing processes in alignment with CWA and CGP.

Part 3 – SITE INSPECTION REQUIREMENTS

3: Site Inspection Requirements
2021 Permit
~~"Self~~ Inspection Requirements~~"~~
2026 Permit
"Site Inspection Requirements"

We've revised the term "self inspection requirements" to "site inspection requirements" to more accurately reflect the intent of the inspections. This semantic change emphasizes that the focus is on inspecting the overall construction site, not merely reviewing self-submitted reports, to ensure all aspects of compliance with permit conditions are evaluated.

3.2.2: Daily Site Check
2021 Permit
~~"Each day of construction activity, the site must be inspected for dirt in the street and trash on the site. Streets must be swept clean (see note below), if soiled. Dirt must be removed off the street (not swept or washed into the storm drain system). Trash on the site must be picked up and disposed of into trash containers (see 2.4.3.) or disposed of off site (e.g., municipal/private garbage collection service or construction waste landfill). Sub-contractors must be held responsible by the permit holder to perform these duties in accordance with this paragraph for the activities they are contracted to perform. A written report is not required, however the operator will keep a daily log (for the active construction days) listing the initials of the person doing the site check.~~ ~~3.2.2.a. If the site discharges to a water body impaired for either sediment or nutrients, the daily site check must also include any additional areas where potential sediment or nutrient discharges may occur."~~
2026 Permit

"The permittee shall ensure that the streets remain free of dirt and that the site is kept clear of trash and debris each day of construction activity. If streets become soiled, they shall be swept clean, and any dirt shall be removed from the street, not swept or washed into the storm drain system. Trash on the site shall be collected and disposed of in designated trash containers (See 2.2.4)."

This revision reframes the daily inspection requirement as practical guidance rather than a rigid mandate. While the old version required a formal daily inspection for dirt and trash, with a daily log and detailed responsibilities for subcontractors, the new language focuses on ensuring that streets and site areas are maintained free of dirt, trash, and debris during construction activities. This approach aligns more closely with a performance-based framework, emphasizing proper maintenance of the site rather than formal inspection reports. By transitioning from "self-inspection" to "site inspection requirements," the language now more accurately reflects the goal of evaluating overall site conditions and ensuring compliance through sound operational practices, rather than solely relying on self-reported daily logs.

3.5.2: Electronic Site Inspections

2026 Permit

"Permittees may opt for electronic oversight inspections by the oversight authority by capturing geo-located, time-stamped photographs and submitting them electronically to the oversight authority. Refer to the Operator Electronic Inspection Guide for more information."

A section on electronic site inspections was added per recent legislative updates (2025 Senate Bill 220 enacted at Utah Administrative Code 19-5-108.3), which provides CPP permittees the option of submitting electronic inspections (geo-located, time-stamped photographs of their construction site) as an alternative to traditional oversight authority site visits.

Part 4 – STORM WATER POLLUTION PREVENTION PLAN (SWPPP)

4.2.7: Description of Storm Water Control Measures

2026 Permit

"For each erosion and sediment control and pollution prevention requirement applicable to the site, select the appropriate control(s) and supply details regarding proper installation. The DWQ SWPPP template includes a list of pollution prevention controls and corresponding installation guidelines. However, if proprietary devices are used, provide separate installation specifications or manufacturer guidance as needed to ensure their effectiveness and compliance with permit requirements. In the SWPPP document, clearly describe the selected controls and include detailed installation guidelines or specifications."

We added this section to provide clear, performance-based guidance on selecting and installing storm water control measures. This section ensures that permittees explicitly identify the specific measures used on their site and document proper installation procedures.

Additionally, because the DWQ SWPPP template (or preferred list) includes a standard list of storm water controls and installation guidelines, this section serves as a reminder that if proprietary devices are chosen, permittees must supply separate installation specifications or manufacturer guidance.

Part 6 – DEFINITIONS

The following definitions have been added to the 2026 Permit:

Best Management Practices (BMPs): schedules of activities, prohibitions of practices, maintenance procedures, and other physical, structural and/or managerial practices to prevent or reduce pollution of waters of the State. BMPs include treatment requirements, operating procedures, and practices to control storm water associated with construction activity, spillage or leaks, sludge or waste disposal, or drainage from raw material storage.

Business Day: For the purposes of this Permit, a business day is a calendar day on which construction activities will take place.

Commencement of Earth-Disturbing Activities: the initial disturbance of soils (or 'breaking ground') associated with clearing, grading, or excavating activities or other construction-related activities (e.g., stockpiling of fill material).

Construction Support Activities: a construction-related activity that specifically supports the construction activity and involves earth disturbance or pollutant-generating activities of its own. This can include activities associated with concrete or asphalt batch plants, equipment staging yards, materials storage areas, excavated material disposal areas, and borrow areas.

Director: The director of the Division of Water Quality, otherwise known as the Executive Secretary of the Utah Water Quality Board.

Discharge: Discharge of storm water or "discharge of a pollutant."

Discharge of a Pollutant: The addition of any "pollutant" or combination of pollutants to "waters of the State" from any "point source," or any addition of any pollutant or combination of pollutants to the waters of the State. This includes additions of pollutants into waters of the State from: surface runoff which is collected or channeled by man; discharges through pipes, sewers, or other conveyances, leading into privately owned treatment works. See 40 C.F.R. 122.2.

Discharge to an Impaired Water: For the purposes of this Permit, a discharge to an impaired water occurs if the first water of the State to which the project discharges to is identified by DWQ or EPA pursuant to Section 303(d) of the Clean Water Act as not meeting an applicable water quality standard, or is included in an EPA-approved or DWQ established TMDL. For discharges that enter a storm sewer system prior to discharge, the water of the State discharged to is the first water of the State that receives the storm water discharge from the storm sewer system.

Domestic Waste: For the purposes of this Permit, typical household trash, garbage or rubbish items generated by construction activities.

Minimize: To reduce and/or eliminate to the extent achievable using storm water controls that are technologically available and economically practicable and achievable in light of best industry practices.

Non-Storm Water Discharges: Discharges that do not originate from storm events. They can include, but are not limited to, discharges of process water, air conditioner condensate, noncontact cooling water, vehicle wash water, sanitary wastes, concrete washout water, paint wash water, irrigation water, or pipe testing water.

Notice of Intent (NOI): The form (electronic or paper) required for authorization of coverage under the Permit.

Notice of Termination (NOT): The form (electronic or paper) required for terminating coverage under the Permit.

NPDES eReporting Tool (NeT): EPA's online system for submitting electronic Construction General Permit forms.

Operational: For this Permit, storm water controls are made "operational" when they have been installed and implemented, are functioning as designed, and are properly maintained.

Operator: For the purposes of this Permit and in the context of storm water discharges associated with construction activity, any party associated with a construction project that meets either of the following two

criteria:

1. The party which has operational control over construction plans and specifications, including the ability to make modifications to those plans and specifications (e.g. in most cases this is the owner of the site, sometimes it is a lessor); or

2. The party which has day-to-day operational control of those activities at a project that are necessary to ensure compliance with the Permit conditions (e.g., they are authorized to direct workers at a site to carry out activities required by the Permit; in most cases this is the general contractor of the project).

Owner: Is the record owner(s) of property on which construction activity is taking place. Except in the case of leased property, an owner is the party that has ultimate control over the destiny of a project. This is the lessor in the case of leased property.

Pollutant: Defined by the NPDES Program at 40 C.F.R. 122.2. A partial listing from this definition includes: dredged spoil, solid waste, sewage, garbage, sewage sludge, chemical wastes, biological materials, heat, wrecked or discarded equipment, rock, sand, cellar dirt, and industrial or municipal waste.

Regulatory Authority: As it pertains to this Permit means EPA, DWQ, or a local MS4 that oversights construction activity.

Site: For construction activities, the land or water area where earth-disturbing activities take place, including construction support activities.

Spill: For this Permit, the release of a hazardous or toxic substance from its container or containment.

Steep Slopes: For this Permit, steep slopes are defined as those that are 70 percent or greater in grade.

Storm Sewer: A system of pipes (separate from sanitary sewers) that carries storm water runoff from buildings and land surfaces.

Storm Sewer System: A conveyance or system of conveyances (including roads with drainage systems, municipal streets, catch basins, curbs, gutters, ditches, manmade channels, or storm drains) designed or used for collecting or conveying storm water.

Subcontractor: For this Permit, an individual or company that takes a portion of a contract from the general contractor or from another subcontractor.

Surface Water: For this Permit, a surface water is defined as all open water bodies, streams, lakes, ponds, marshes, wetlands, watercourses, waterways, springs, drainage systems, and all other bodies or accumulations of water on the surface only. Surface water is visible water, standing or flowing, above the surface of the ground.

Storm Water Pollution Prevention Plan (SWPPP): A site-specific, written document that, among other things: (1) identifies potential sources of storm water pollution at the construction site; (2) describes storm water control measures to reduce or eliminate pollutants in storm water discharges from the construction site; and (3) identifies procedures the operator will implement to comply with the terms and conditions of this Permit.

Total Maximum Daily Load (TMDL): The sum of the individual wasteload allocations (WLAs) for point sources and load allocations (LAs) for nonpoint sources and natural background. If a receiving water has only one point source discharge, the TMDL is the sum of that point source WLA plus the LAs for any nonpoint sources of pollution and natural background sources, tributaries, or adjacent segments. TMDLs can be expressed in terms of either mass per time, toxicity, or other appropriate measures.

Track Out Control: A measure used at construction sites to prevent dirt, mud and other debris from being tracked onto roads by vehicles.

Utah Pollutant Discharge Elimination System (UPDES): The State of Utah's program for issuing, modifying, revoking and reissuing, terminating, monitoring, and enforcing permits, and imposing and enforcing pretreatment requirements, under sections 307, 102, 318, and 405 of the Clean water Act (CWA) for the "discharge" of "pollutants" to "Waters of the State". This program is specifically designed to be compatible with the federal National Pollutant Discharge Elimination System (NPDES) program established and administered by the EPA.

PERMIT DURATION

This Permit is scheduled to be effective for duration of 5 years from the date of Permit issuance.

Drafted and Reviewed by:
Jordan Bentley, Environmental Scientist
Dylan Franzke, Environmental Scientist
Jeanne Riley, Environmental Program Manager

PUBLIC NOTICE INFORMATION

UPDES permits are required to have a 30-day public comment period before issuance.
Began: December 5, 2025
Ended: January 4, 2026

Comments will be received at:
195 North 1950 West
PO Box 144870
Salt Lake City, UT 84114-4870

The Public Noticed of the draft permit was published on the Division of Water Quality Public Notice Webpage.

During the public comment period provided under R317-8-6.5, any interested person may submit written comments on the draft permit and may request a public hearing, if no hearing has already been scheduled. A request for a public hearing shall be in writing and shall state the nature of the issues proposed to be raised in the hearing. All comments will be considered in making the final decision and shall be answered as provided in R317-8-6.12.

ADDENDUM TO THE FACT SHEET

During finalization of the Permit certain dates, spelling edits and minor language corrections were completed. Due to the nature of these changes, they were not considered Major and the permit is not required to be re Public Noticed. Response to comments can be seen in the Construction General Permit Renewal Document.