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

Section 401 Water Quality Certification No. DWQ-2026-02002

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Project: The Utah Department of Transportation (UDOT) (Project Proponent) proposes to construct major infrastructure updates to I-15 between Farmington and Salt Lake City. The I-15 Farmington to Salt Lake City Project (Proposed Project) will include the rebuilding and widening of an approximately 18-mile segment of I-15 from five lines to six lanes. Work will also include the upgrading of infrastructure, making interchange modifications, cross street improvements and constructing a new multi-use pedestrian and bike trail. The Proposed Project objective is to improve mobility and safety for travelers and reduce the heavy congestion along this portion of I-15. The work requires the discharge of approximately 243,259 cubic yards of clean fill into Waters of the United States (WOTUS). This will result in permanent impacts of 30.64 acres of WOTUS and temporary impacts to 9.57 acres of WOTUS. To offset these unavoidable functional losses, UDOT will purchase compensatory mitigation credits from the Machine Lake Mitigation Bank and implement strict Best Management Practices (BMPs) to protect local watercourses.

Location: The Proposed Project spans approximately 18 miles north-south from the U.S. Highway 89 (US-89)/Legacy Parkway/Park Lane interchange (I-15 milepost 325) in Farmington at Latitude: 40.99697 Longitude: -111.90559 to the 600 North interchange (I-15 milepost 309) in Salt Lake City, with the southern terminus ending at approximately 40.74171 Longitude: -111.90412.

Watercourse(s): WOTUS within the Weber River Watershed Management Unit and the Jordan River Management Unit.

USACE Section 404: SPK-2022-00182

Effective Date: Month, Day, Year

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I. Definitions

A. **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

B. **Beneficial Use Classes:** how waters of the state are grouped and classified to protect against controllable pollution and to protect the beneficial uses designated within each class. UAC R317-2-6

C. **Category 1 Waters** are *"Waters which have been determined by the Board to be of exceptional recreational or ecological significance or have been determined to be a State or National resource requiring protection, shall be maintained at existing high quality through designation, by the Board after public hearing, as Category 1 Waters." UAC R317-2-3.2*

D. **Category 2 Waters** *"are designated surface water segments which are treated as Category 1 Waters except that a point source discharge may be permitted provided that the discharge does not degrade existing water quality." UAC R317-2-3.3*

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. 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

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 the 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. **High-Occupancy/Toll (HOT) Lane:** A highway lane designated for operational traffic management that prioritizes carpools, vanpools, and transit vehicles, while allowing single-occupant vehicles to access the lane by paying a variable toll.

H. **Level I Antidegradation Review (ADR):** *"is conducted to insure that existing uses will be maintained and protected."* UAC R317-2-3.5

I. **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.

J. **Low-Impact Development (LID):** An engineering and systems design approach to managing stormwater runoff that emphasizes conservation and use of on-site natural features, integrated with engineered structural controls, to closely mimic pre-development hydrologic regimes.

K. **Project Proponent** *"means the applicant for license or permit or entity seeking certification*." 40 CFR §121.1.

L. **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

M. **Waters of the United States (WOTUS)** means waterbodies subject to the provisions of the Clean Water Act.

N. **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

ADR- Antidegradation Review
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
DMRs- Discharge Monitoring Reports
DWQ – Utah Division of Water Quality
EIS – Environmental Impact Statement
EPA – Environmental Protection Agency
HOT- High-Occupancy/Toll
mg/L – milligrams per liter
MS4 – Municipal Separate Storm Sewer System
NEPA – National Environmental Policy Act
NHPA- National Historic Preservation Act
NOI – Notice of Intent
NTU – Nephelometric Turbidity Units
PEM- Palustrine Emergent Wetlands
RPOT- Reasonable Period of Time
SHPO- State Historic Preservation Office
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 (Certification) to UDOT for the Proposed Project spanning Davis and Salt Lake Counties. Certification is subject to the conditions outlined in this document and adherence to any U.S Army Corp 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 Individual 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 R317-2-3*" UAC R317-15-6.1. A.3.

DWQ attended a pre-filing meeting with Rod Hess from UDOT on January 21, 2026, for the Proposed Project. DWQ determined the 401 Certification request to be complete on February 20, 2026, for the Proposed Project. The USACE determined the reasonable period of time (RPOT) for DWQ to act on the certification request is six months. The certification will be considered waived if DWQ does not act on the request by August 20, 2026.

IV. Background

The Utah Department of Transportation (UDOT) (Project Proponent) proposes rebuilding, upgrading, and widening Interstate 15 (I-15) from Farmington to Salt Lake City. UDOT is acting as the lead federal agency on behalf of the Federal Highway Administration (FHWA) and completed the Final Environmental Impact Statement (EIS) for the corridor in October 2024. The I-15 Farmington to Salt Lake City Project (Proposed Project) will widen I-15 from five to six lanes in each direction, with one lane in each direction designated as a high-occupancy/toll (HOT) lane. The Proposed Project also includes interchange improvements, cross-street reconfigurations, railroad realignment, engineered retaining walls, and a new multi-use pedestrian and bicyclist trail. Spanning approximately 18 miles north-south, the project corridor extends from the U.S. Highway 89 (US-89)/Legacy Parkway/Park Lane interchange (I-15 milepost 325) in Farmington to the 600 North interchange (I-15 milepost 309) in Salt Lake City. The project area consists primarily of heavily utilized concrete and asphalt roadways flanked by commercial developments, residential areas, and agricultural open space.

The Project Proponent asserts that upgrades are necessary because I-15 is the primary north-south transportation corridor along the Wasatch Front, and its aging infrastructure cannot support projected 2050 traffic demands. The Proposed Project is designed to alleviate severe traffic congestion, reduce travel delays, improve vehicular and pedestrian safety, and better connect local communities. Construction activities which are scheduled to occur between 2027 and 2029, will involve heavy roadway construction equipment, demolition, excavations, fill placement, culvert installation, and new roadway structures constructed on fill.

The Proposed Project will result in the permanent placement of 243,259 cubic yards of clean fill material into Waters of the United States (WOTUS), causing the permanent loss of 30.64 acres of WOTUS. These permanent impacts include the loss of 19.01 acres of palustrine emergent wetlands, 2.70 acres of mudflats, 0.32 acre of perennial stream channels, 0.01 acre of intermittent stream channels, 7.79 acres of open-water ponds, 0.05 acre of canals, and 0.76 acre of ditches. The Proposed Project will also result in temporary impacts to 9.57 acres of aquatic resources during construction for site access and drainage capacity expansions. Farmington Creek, Ricks Creek, Mill Creek, Davis Creek, Steed Creek, Barnard Creek, and the Barton-Stone-Duel (BSD) Canal / Barton Creek system will be directly or indirectly impacted by alterations to stormwater flows and drainage structures.

During the alternatives development and screening process, UDOT utilized existing infrastructure and right-of-way alignments to the maximum extent practicable to minimize impacts to private property and sensitive aquatic resources. To maintain hydrologic connectivity across streams, canals, and ditches, existing culverts will be replaced, resized, or extended. For long-term water quality protection, UDOT designed permanent stormwater treatment systems utilizing Low-Impact Development (LID) techniques to retain and treat runoff from the 80th-percentile, 24-hour storm event. Best Management Practices (BMPs)—including vegetated swales, specialized detention and retention basins, vegetated filter strips, and infiltration areas—have been incorporated to slow concentrated flows and reduce pollutant loads. Furthermore, UDOT conducted Stochastic Empirical Loading and Dilution Model (SELDM) analyses, demonstrating that post-construction concentrations of roadway pollutants, such as dissolved copper, will remain compliant with state water quality standards. To offset unavoidable functional losses to jurisdictional wetlands and mudflats, the Project Proponent proposes to purchase compensatory mitigation credits from the Machine Lake Mitigation Bank.

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. Farmington Creek-1 UT16020102-039_00 AU. Farmington Creek and tributaries from Farmington Bay to USFS boundary within the Weber River Watershed.

1. Beneficial Use Designation
    a) Class 2B: Protected for infrequent primary contact recreation. Also protected for secondary contact recreation where there is 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 3B: Protected for warm water species of game fish and other warm water aquatic life, including the necessary aquatic organisms in their food chain.
    c) Class 4: Protected for agricultural uses including irrigation of crops and stock watering.
2. Impaired Waterbody without an Approved TMDL (TMDL):
    a) Results from the current water quality assessment, as documented in the Utah's 2026 Integrated Report [1], indicate that the water for the Farmington Creek-1 AU is considered to be impaired (Assessment Category 5). The Farmington Creek-1 AU is impaired for E coli, which impact Use Class 2B (Infrequent Primary Contact Recreation), Aluminum, Copper Dissolved Oxygen and pH which impact Use Class 3B (Warm Water Fishery/Aquatic Life), and pH also impacts Use Class 4 (Agriculture - crop irrigation, stock watering). The CWA directs states to prepare a plan to restore water quality to impaired waters, otherwise known as TMDL study. A TMDL is required for each parameter and waterbody to define pollutant reduction requirements necessary for the waterbody to meet water quality standards. At present, no TMDLs have been finalized for the Farmington Creek-1 AU.
3. Antidegradation Review:
    Waters within the Farmington Creek-1 AU are 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 best management practices (BMPs) would be employed to minimize pollution effects.

B. UT- not defined Davis County Waters, Waters within the Weber River Watershed Management Unit, near Steed Creek.

1. Beneficial Use Designation
    a) Class 2B: Protected for infrequent primary contact recreation. Also protected for secondary contact recreation where there is 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 3B: Protected for warm water species of gamefish and other warm water aquatic life, including the necessary aquatic organisms in their food chain.

[1] https://lf-public.deq.utah.gov/WebLink/ElectronicFile.aspx?docid=684130&eqdocs=DWQ-2026-001799

2. TMDL: N/A
3. Antidegradation Review:
   Waters within the UT- not defined Davis County Waters are 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 best management practices (BMPs) would be employed to minimize pollution effects.

C. Ricks Creek UT16020102-042_00 AU. Ricks Creek and tributaries from Interstate I-15 to headwaters within the Weber River Watershed.

1. Beneficial Use Designation
   a) Class 1C: Protected for domestic purposes with prior treatment processes as required by the Utah Division of Drinking Water.
   b) Class 2B: Protected for infrequent primary contact recreation. Also protected for secondary contact recreation where there is 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.
   c) Class 3A: Protected for cold-water species of game fish and other cold water aquatic life, including the necessary aquatic organisms in their food chain.
   d) Class 4: Protected for agricultural uses including irrigation of crops and stock watering.
2. Impaired Waterbody without an Approved TMDL (TMDL):
   a) Results from the current water quality assessment, as documented in the Utah's 2026 Integrated Report [2], indicate that the water for the Ricks Creek UT16020102-042_00 AU is considered to be impaired (Assessment Category 5). The Ricks Creek UT16020102-042_00 AU is impaired for Copper ,which impacts Class Use 3A (cold-water species of game fish and other cold water aquatic life, including the necessary aquatic organisms in their food chain). The CWA directs states to prepare a plan to restore water quality to impaired waters, otherwise known as TMDL study. A TMDL is required for each parameter and waterbody to define pollutant reduction requirements necessary for the waterbody to meet water quality standards. At present, no TMDLs have been finalized for the Ricks Creek UT16020102-042_00 AU.
3. Antidegradation Review:
   Waters within the Ricks Creek UT16020102-042_00 AU, are 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 best management practices (BMPs) would be employed to minimize pollution effects.

[2] https://lf-public.deq.utah.gov/WebLink/ElectronicFile.aspx?docid=684130&eqdocs=DWQ-2026-001799

D. UT undefined AU: Stone Creek and tributaries from Farmington Bay Waterfowl Management Area to U.S National Forest Service boundary within the Weber River Watershed.

1. Beneficial Use Designation
    a) Class 2B: Protected for infrequent primary contact recreation. Also protected for secondary contact recreation where there is 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 3A: Protected for cold-water species of game fish and other cold water aquatic life, including the necessary aquatic organisms in their food chain.
    c) Class 4: Protected for agricultural uses including irrigation of crops and stock watering.
2. TMDL: N/A
3. Antidegradation Review:
   Waters within the UT undefined Stone Creek and tributaries within the Weber River Watershed AU, are 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 best management practices (BMPs) would be employed to minimize pollution effects.

E. Mill Creek1-Davis UT16020102-050-00 AU: includes Mill Creek from Great Salt Lake to Mueller Park at USFS Boundary.

1. Beneficial Use Designation
    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 3B: Protected for warm water species of game fish and other warm water aquatic life, including the necessary aquatic organisms in their food chain.
    c) Class 4: Protected for agricultural uses including irrigation of crops and stock watering.
2. Impaired Waterbody without an Approved TMDL (TMDL):
    a) Results from the current water quality assessment, as documented in the Utah's 2026 Integrated Report [3], indicate that the water for the Mill Creek1-Davis UT16020102-050-00AU is considered to be impaired (Assessment Category 5). The Mill Creek1-Davis UT16020102-050-00 AU is impaired for E.coli which impacts Class Use 2B, (infrequent primary contact recreation), Copper which impacts Class Use 3B (warm water species of game fish and other warm water aquatic life, including the necessary aquatic organisms in their food chain) and Total Dissolved Solids (TDS) which impacts Class Use 4 (Agriculture-crop irrigation and stockwatering), as well as pH which impacts Use Class 2B, 3B and 4. The CWA directs states to prepare a plan to restore water quality to impaired waters, otherwise known as TMDL study. A TMDL is required for each parameter and waterbody to define pollutant reduction

[3] https://lf-public.deq.utah.gov/WebLink/ElectronicFile.aspx?docid=684130&eqdocs=DWQ-2026-001799

requirements necessary for the waterbody to meet water quality standards. At present, no TMDLs have been finalized for the Mill Creek1-Davis UT16020102-050-00AU.

3. Antidegradation Review:
   Waters within the Mill Creek1-Davis UT16020102-050-00AU, are 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 best management practices (BMPs) would be employed to minimize pollution effects.

F. UT-not defined. Beneficial uses area only (No AUs): undefined Jordan River watershed-with in the Jordan River Watershed

1. Beneficial Use Designation
   a) Class 2B: Protected for infrequent primary contact recreation. Also protected for secondary contact recreation where there is 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 TMDLs: N/A
3. Undefined waters within the Jordan River Watershed 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 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.

G. Wetlands

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 TMDLs: N/A
3. 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 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. Implementation of BMPs. All activities with a potential discharge to WOTUS must implement and maintain BMPs to fully protect the waterbodies assigned beneficial use(s).

B. Proper Storage of Hazardous and Otherwise Deleterious Materials. Hazardous and otherwise deleterious materials (e.g. oil, gasoline, chemicals, trash, sawdust, 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. Protection of Impaired Waterbodies. All activities shall not cause further degradation of impaired waterbodies, as defined in DWQ's most recent 303(d) list, regardless of whether a TMDL has been completed. The Project Proponent must review impairments on the waterbodies where the Project has the potential to discharge and is responsible for ensuring that water quality standards are not exceeded and designated beneficial uses are not impaired.

D. Turbidity Increases and Instream Construction Monitoring. Project activities shall not increase water turbidity by more than 10 Nephelometric Turbidity Units (NTUs) in waterbodies classified as beneficial use class 2B for recreation and 3A for cold water aquatic life. Project activities shall not cause an increase in water turbidity by more than 15 NTUS in waterbodies classified as beneficial use class 3D. Monitoring is required while working in these waterbodies to ensure construction work does not increase water turbidity by no more than the allowable NTUs. The Project Proponents must provide monthly reports to DWQ during instream construction in waterbodies with class 2B and 3A beneficial use designations that include at a minimum: baseline (reference) turbidity measurements in each waterbody where instream construction is occurring; and identifying any exceedances and duration of exceedances that have occurred during instream work.

E. Installation, Modification, or Replacement of Stream Crossings and Culverts. All activities conducted in or immediately adjacent to WOTUS in the State of Utah that involve the installation, modification, or replacement of stream crossings, including culverts must avoid structural misalignments, fish passage barriers, or hydrologic alterations that cause downstream channel degradation to the maximum extent practicable. Any Projects that involve the installation of a culvert(s)s must require proper alignment, countersinking below the natural streambed elevation, and velocity dissipation to ensure equal or greater channel stability. The Project Proponent shall provide successful long-term maintenance and channel stabilization to prevent sediment discharges and turbidity increases that degrade downstream uses.

F. Dry Conditions to the Maximum Extent Practicable 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.

G. UPDES Municipal Separate Storm Sewer System (MS4) Permit for UDOT (Permit No. UTS000003). Project Proponent must strictly comply with the most up to date UDOT UPDES MS4 Permit (No. UTS000003, effective March 12, 2025) and its Stormwater Management Program (SWMP). This includes implementing and enforcing a program to reduce pollutants in any stormwater runoff to the MS4 from construction sites disturbing greater than an acre, or less than an acre but part of a common plan of development disturbing greater than an acre. This also includes designing, reviewing, and maintaining controls for post-construction stormwater management to protect water quality. Post-construction stormwater controls must be designed in accordance with the UDOT Stormwater Quality Design Manual to utilize Low-Impact Development (LID) techniques to manage rainfall on-site and prevent the off-site discharge of the precipitation from all rainfall events less than or equal to the 80th percentile rainfall event or the predevelopment hydrologic condition.

H. UPDES Storm Water General Permit for Construction Activities (Permit No. UTRC00000). 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[4]). 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.

I. UPDES General Permit for Construction Dewatering (Permit No. UTG070000). Dewatering activities, if necessary during construction, may require coverage under the UPDES General Permit for Construction Dewatering (Permit No. UTG070000[5]) 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 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 could be violated unless appropriate BMPs are incorporated to minimize the erosion-sediment and nutrient load. Violations of

[4] https://deq.utah.gov/water-quality/general-construction-storm-water-updes-permits#general-permit

[5] https://deq.utah.gov/water-quality/general-construction-storm-water-updes-permits#construction-dewatering-hydrostatic-testing

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 R317-15-6.1A.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. 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. Protection of Impaired Waterbodies. Waters that are impaired and conjunctively on Utah's most up to date 303(d) list are not currently meeting their designated beneficial uses. According to Utah's Final 2026 Integrated Report [6] the waters identified as impaired are not meeting their designated beneficial uses because

[6] https://lf-public.deq.utah.gov/WebLink/ElectronicFile.aspx?docid=684130&eqdocs=DWQ-2026-001799

"the concentration of the pollutant- or several pollutants- exceeds numeric water quality criteria, or quantitative biological assessments indicate that the biological designated uses are not supported (Narrative water quality standards are violated)." Utah's antidegradation policy states "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." UAC R317-2-3.1. In order to ensure that proposed Project meets Utah's antidegradation policy and that discharges do not further degrade water quality the Project Proponent needs to be aware of the waterbodies assessment, more specifically if the waterbody is impaired and listed on Utah's most current 303(d) list. If the potential discharge contains pollutants/parameters that the waterbody is listed as impaired for, the Project Proponent needs to take extra precautions to minimize and prevent discharges that could further degrade the waterbodies and prevent the waterbodies from meeting its beneficial and existing uses. Typical pollutants associated with USACE Section 404 permits (e.g. sediment), especially when a waterbody proposed for discharge is impaired, could cause applicable water quality standards to be violated, if appropriate measures are taken. 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.

D. Turbidity Increases and Instream Construction Monitoring. Beneficial uses associated with recreation and aquatic life have been assigned numeric criteria for turbidity. An increase of more than 10 NTUs in class 2B and 3A waterbodies above the turbidity of that waterbody would be a violation of instream criteria for waterbodies that have recreation or aquatic life uses. Similarly, an increase of more than 15 NTUs in class 3D waterbodies above the turbidity of that waterbody would be a violation of instream criteria for waterbodies that have aquatic life uses. UAC R317-2-14.1 and UAC R317-2-14.2. Therefore, turbidity increases above those allowed by this Certification could cause the waterbody to fail to meet its designated beneficial use classes. Turbidity monitoring during instream construction in waterbodies with class 2B, 3A and 3D beneficial uses designations will ensure turbidity increases do not violate Utah's water quality standards. Utah's antidegradation policy states "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" UAC R317-2-3.1. Failure to minimize turbidity increases that result in the failure to maintain beneficial use class 2B or 3A would be considered a violation of Utah's rules and promulgated standards of quality for waters of the State, specifically Utah's antidegradation policy found at UAC R317-2-3. 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

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

E. Installation, Modification, or Replacement of Stream Crossings and Culverts. Project approval is conditioned on the proper alignment, countersinking, and velocity dissipation of culverts and stream crossings to protect the structural integrity of the watercourse and maintain designated biological uses. Improperly installed culverts can cause severe downstream channel degradation, headcutting, and accelerated erosion. This degradation can result in excessive sediment loading and increased turbidity which violates the narrative standards as stated in UAC R317-2-7.2 and numeric criteria in UAC R317-2-7.1, and UAC R317-2-14.

Additionally, stream crossings that create hydrologic alterations or fish passage barriers fail to maintain and protect existing instream aquatic life uses as required by Utah's antidegradation policy found at UAC R317-2-3.1. Ensuring proper design and long-term channel stabilization provides assurance that the project will not impair designated beneficial use classifications as stated in UAC R317-15-6.1.A.1 the Director will consider whether a proposed discharge *"impairs the designated beneficial use classifications (e.g., aquatic life, drinking water, recreation) in Section R317-2-6*" when making a 401 Certification decision.

Citation(s): UAC R317-2-3.1, UAC R317-2-7.1.a, UAC R317-2-7.2, 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.

F. 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 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.

G. UPDES Municipal Separate Storm Sewer System (MS4) Permit (Permit No. UTS000003). Project approval is conditioned on compliance with the UDOT MS4 Permit to ensure that stormwater discharges from expanded impervious surfaces do not cause or contribute to in-stream exceedances of water quality standards or degrade downstream beneficial uses. Runoff from highway infrastructure carries pollutants like sediment and heavy metals that can impact water quality, which is critical for impaired receiving waters like Farmington Creek-1 and Mill Creek1-Davis. Implementing construction-site controls (MCM 4), long-term Low-Impact Development (LID) controls designed to retain and treat the 80th-percentile storm event (MCM 5), and scheduled inspections and maintenance provides technical and legal assurance that the project will minimize pollutant loading, prevent channel erosion, and protect downstream water quality. Under UAC R317-15-6.1, the Director must consider whether a proposed discharge impairs designated beneficial uses (UAC R317-15-6.1.A.1) or exceeds water quality criteria (UAC R317-15-6.1.A.2), while UAC R317-2-8 and UAC R317-2-3.1 require protecting downstream and existing instream uses. UAC R317-8-2.5 provides the Director authority to issue and enforce UPDES permits for stormwater discharges to surface waters. Citation(s): UAC R317-2-3.1, UAC R317-2-8, UAC R317-8-2.5, UAC R317-15-6.1, UAC R317-15-6.1.A.1, UAC R317-15-6.1.A.2, and UAC R317-15-6.1.A.3.

H. 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)

I. 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 most recent renewed and effective General Permit for Construction Dewatering and Hydrostatic Testing, UPDES Permit No. UTG070000. 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

VIII. Disclaimers

A. The legislatively mandated fee for the 2026 fiscal year is $125.00/hour, and 2027 fiscal year is $135.00/hour for review and issuance of the Section 401 Water Quality Certification. An invoice will be sent with the final 401 Water Quality Issuance Letter.

B. 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.

C. 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.

D. 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.

IX. Public Notice and Comments

As Stated in UAC R317-15-5., this Certification decision is subject to a 30 public notice period. Per UAC R317-15-5 draft certification decisions are subject to a thirty (30) day public notice. After considering public comments, 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.

X. Water Quality Certification

The Utah DWQ certifies that if the Project Proponent adheres 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).

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Candice A. Hasenyager P.E., Director Date