



State of Utah

GARY R. HERBERT
Governor

SPENCER J. COX
Lieutenant Governor

Department of
Environmental Quality

Amanda Smith
Executive Director

DIVISION OF WATER QUALITY
Walter L. Baker, P.E.
Director

OCT 20 2014

OCT 23 2014

Susan S. Clark, Senior Project Manager
U.S. Army Corps of Engineers, Sacramento District
1325 J Street, Room 1350
Sacramento, California 95814-2922

Dear Ms. Clark:

Subject: **Approval of a Blanket 401 Water Quality Certification with Conditions**
Water Quality Certification No.: DWQ-2014-00652.
USACE 404 Permit No.: SPK-1997-00652, 5-year Renewal Proposal for Regional
General Permit for Emergency Actions (RGP) (formerly called RGP 60).

Applicant: U.S. Army Corps of Engineers, Sacramento District
1325 J Street, Room 1350
Sacramento, California 95814-2922

Location: The entire State of Utah.

Purpose: The U.S. Army Corps of Engineers, Sacramento District (Corps), is proposing to
extend RGP for an additional five (5) years.

Pursuant to Section 401 of the Federal Water Pollution Control Act, commonly known as the Clean Water Act (CWA), the Director of the Division of Water Quality (Director) certifies that he has reasonable assurances that any discharge associated with activities found in USACE SPK-1997-00652 permit will not violate surface water quality standards, or cause additional degradation in surface waters not presently meeting water quality standards. In accordance with Section 401(a)(1) of the CWA [33 U.S.C. Sec. 1341(a)(1)], the Director hereby issues this Blanket 401 Water Quality Certification provided the conditions outlined below are met and included in the USACE SPK- 1997-00652 permit issued to Corps.

The Utah Division of Water Quality (DWQ) staff has reviewed the referenced RGP. This RGP authorizes discharges of dredged or fill material and/or work or structures in waters of the United States, including wetlands, for necessary repair and protection measures associated with an emergency situation. The Corps has defined an "emergency situation" to be where there is a clear, sudden, unexpected and imminent threat to life or property demanding immediate action to prevent or mitigate loss of, or damage to, life, health, property or essential public services, i.e., a

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situation that could potentially result in an unacceptable hazard to life or a significant loss of property if corrective action requiring a permit is not undertaken immediately. DWQ concurs with the Corps that the emergency action should be initiated within seven (7) days of the damage occurring.

Any permittee repair activity authorized by this RGP must comply with the general terms and conditions listed within and the following special conditions of the Blanket 401 Water Quality Certification when conducting activities within the State of Utah.

1. **Notification:** Simultaneous with submittal to Corps, the permittee shall transmit an electronic and hard copy of the (a) Corps Notification Package required by RGP Permit Condition No. 2 (Agency Coordination), and (b) Corps "Post-Project Reports required by RGP Permit Condition No. 28 to the DWQ, addressed as:

Walt Baker, Director
Utah Division of Water Quality
P.O. Box 144870
Salt Lake City, Utah
84114-4870

(801) 536-4300
wbaker@utah.gov

William Damery, 401 WQ Cert. Program
Utah Division of Water Quality
P.O. Box 144870
Salt Lake City, Utah
84114-4870

(801) 536-4300
wdamery@utah.gov

2. **Standards:** Permitted activities shall not cause a violation of any applicable surface water quality standards, including impairment of designated beneficial uses for receiving waters of the state, as adopted by the Utah Water Quality Board in Title R317-2.
3. **Individual Certification:** The Director may require submission of a formal application for an Individual 401 Water Quality Certification for any project if the project has been determined to likely have a significant adverse effect on surface water quality or degrade the waters of the state.
4. **Permit Duration/Terms:** The WQC is valid for five (5) years from issuance and will expire on December 31, 2019. The Director may reevaluate the terms and conditions of this permit at any time it deems necessary to protect the public interest.
5. **Site Access:** You shall allow representatives from the State of Utah to inspect the authorized activity at any time deemed necessary to ensure the project is being or has been accomplished in accordance with the terms and conditions of this Blanket 401 Water Quality Certification (WQC).
6. **Turbidity:** All practical Best Management Practices (BMPs) on disturbed banks and within waters of the state shall be implemented to minimize turbidity during in-water work.
7. **Spills:** Utah Code Annotated 19-5-114 requires that any spill or discharge of oil or other substances which may cause pollution to the waters of the state, i.e. adjacent wetlands,

must be immediately reported by calling 1-801-536-4123, which is a 24-hour spill reporting phone number.

8. **Backfill:** No waste, spoil, solids, or fill of any kind shall occur in wetlands, waters of the state or riparian areas beyond the footprint of the impacts depicted in the Contents of Notifications required by RGP Condition No. 2, including incidental impacts.
9. **Fill Material:** All temporary and permanently placed fill material must be clean material, free of contaminants that may be toxic to aquatic life. For example, the permittee shall not use any fill material which may leach organic chemicals (e.g., discarded asphalt) or nutrients (e.g., phosphate rock) into the waters of the state. Measures must be taken to prevent fresh or wet concrete from coming in contact with waters of the state until concrete has hardened.
10. **Standard Erosion and Sediment Control Practices:** Prior to commencing work in any waters of the state, appropriate BMPs must be properly installed and maintained throughout the project repair activity until all disturbed areas are stabilized. Vegetated filter strips are the preferred water quality treatment measure for the impact analysis area. BMPs for the control of surface runoff shall be developed, implemented and maintained for the control of storm water runoff.
11. **Dewatering:** Discharge must meet a Total Suspended Solids (TSS) of total daily maximum of 70 mg/L and have a pH of 6.5 to 9.0. The concentration of Oil & Grease shall be minimized to the maximum extent practicable. All point source discharges will insure non-erosive flow velocity from the structure to a water course so that the natural physical and biological characteristics and functions are maintained and protected, e.g. no deleterious effects or significant changes in the hydrological regime in the receiving water.
12. **Habitat:** Permittee shall protect any potentially affected fish spawning areas. All emergency work must be coordinated with appropriate state agencies including the Utah Dept. of Natural Resources, Division of Wildlife Resources to lessen impacts on aquatic species of concern, habitat and wildlife.
13. **Water Utilities:** Any unforeseen repairs that were not outlined in the Corps' Contents of Notification: 1) in and around public drinking water supplies requires written approval from the Executive Secretary of the Utah Drinking Water Board and 2) in and around any wastewater infrastructure requires written approval from the Director.
14. **Stream Alteration:** The permittee must contact Utah Dept. of Natural Resources, Division of Water Rights, State Engineer's office on all stream alteration matters in order to protect the natural resource value of the state's streams and protect the water rights and recreational opportunities associated with them. Section 73-3-29 of the Utah Code requires any person, governmental agency, or other organization wishing to alter the bed or banks of a natural stream to obtain written authorization from the State Engineer prior to beginning work.

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15. **Public Lands Policy Coordination:** The permittee must contact the Office of the Governor's Public Lands Policy Coordination office. The State of Utah, through the Public Lands Policy Coordination Office (PLPCO) makes use of the Resource Development Coordinating Committee (RDCC) for state agency review of activities affecting state and public lands throughout Utah. The RDCC includes representatives from the state agencies that are generally involved or impacted by public lands management. Utah Code (63J-4-501 *et seq.*) instructs the RDCC to coordinate the review of technical and policy actions that may affect the physical resources of the state and facilitate the exchange of information on those actions among federal, state, and local government agencies.

Any special condition in this certification which the applicant believes cannot be met requires written concurrence from the Director.

Exemption: Emergency projects exempt from these special conditions are projects to maintain, repair, restore, demolish, or replace property or facilities damaged or destroyed as a result of a disaster in a disaster stricken area in which a "State of Emergency" or "Major Declaration" has been proclaimed by the Governor of Utah pursuant of the 1. Emergency Management Act of 1981, Utah Code 53-2, 63-5., 2. Disaster Response Recovery Act, 63-5A and 3. Title 44, CFR, Federal Emergency Management Agency Regulations, as amended.

Pursuant to Section 401(a)(1) of the Federal Water Pollution Control Act, as amended in 1987 and commonly known as the Clean Water Act, it is hereby certified that any discharge resulting from the project will comply with applicable state water quality standards and, based on available information, will comply with applicable provisions of said Act. Please contact Mr. Bill Damery at (801) 536-4354, wdamery@utah.gov, with any questions you may have concerning this 401 Water Quality Certification.

Sincerely,



Erica Brown Gaddis, Ph.D
Acting Director
wd:nf

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