



State of Utah

GARY R. HERBERT
Governor

SPENCER J. COX
Lieutenant Governor

Department of
Environmental Quality

Alan Matheson
Executive Director

DIVISION OF WATER QUALITY
Erica Brown Gaddis, PhD
Director

MAY 10 2018

May 4, 2018

Lisa M. Gibson, Project Manager
US Army Corps of Engineers, Sacramento District
1325 J Street, Room 1350
Sacramento, California 95814-2922

Subject: **Approval of a Blanket 401 Water Quality Certification with Conditions**
Water Quality Certification No.: DWQ-1997-00652.
USACE 404 Permit No.: SPK-1997-00652, 5-year Renewal Proposal for
Regional General Permit 8 for Emergency Actions (RGP 8) (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 this RGP for an additional five (5) years.

Public Comment

Period: March 23, 2018 – April 23, 2018 (DWQ-2018-004874, DWQ-2018-004875).

DWQ Public

Comments Received: None

Dear Ms. Gibson,

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 any discharge associated with activities found in the USACE SPK- 1997-00652 permit will not

U.S. Army Corps of Engineers, Sacramento District
Approval of a Blanket 401 Water Quality Certification with Conditions

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.

The Utah Division of Water Quality (DWQ) staff has reviewed the referenced RGP 8. The RGP 8 authorizes discharges or 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" as one which would result in an unacceptable hazard to life, a significant loss of property, or an immediate, unforeseen, and significant economic hardship if corrective action requiring a Department of the Army permit is not undertaken within a time period less than the normal time to process the application under standard procedures.

Activities covered under this permit include permanent or temporary work or structures in navigable waters of the U.S., and/or the permanent or temporary discharge of dredged and/or fill material into waters of the U.S., including wetlands, for repair or protection activities, for which the Corps has determined that an emergency situation exists. The activities authorized under the RGP 8, include, but are not limited to, bank stabilization, restoration of damaged areas, temporary fills for dewatering and construction access, and repair, replacement, or rehabilitation of existing structures and fills, such as utility and wastewater systems, pipelines, flood control structures and features, irrigation pumps or intakes, roads, and bridges.

Any permittee repair activity authorized by RGP 8 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 complete Notification as outlined in RGP Permit Condition No. 1 under Notification Procedures, and (b) Corps "Post-Project reporting" required by RGP Permit Condition No. 26 to the DWQ, addressed as:

Erica Brown Gaddis, Director
Utah Division of Water Quality
P.O. Box 144870
Salt Lake City, Utah
84114-4870
(801) 536-4300
egaddis@utah.gov

Jodi Gardberg, Manager
Utah Division of Water Quality
P.O. Box 144870
Salt Lake City, Utah
84114-4870
(801) 536-4300
jgardberg@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 upon surface water quality or degrade the waters of the Utah.
4. **Permit Duration/Terms:** The Blanket 401 Water Quality Certification is valid for five (5) years from issuance and will expire on December 31, 2024 or five years from the effective date, whichever is greater. 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:** The permittee 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 term and conditions of this Blanket 401 Water Quality Certification.
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 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, 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 receiving waters of the State. Measures must be taken to 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 measures 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. Ensure all BMPs are inspected on a weekly basis and are maintained until construction activities are completed and site soils are stabilized.

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). Water diversion activities, or dewatering, must not result in the degradation of beneficial uses or exceedance of water quality objectives of receiving waters.
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.
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.
16. **§401 Certification Modification:** Without limiting DWQ's discretion to take other actions in accordance with UAC R317-15, and, as applicable, 33 USC 1341, DWQ may modify this Certification to add, delete, or modify the conditions in this Certification as necessary and feasible to address:

U.S. Army Corps of Engineers, Sacramento District
Approval of a Blanket 401 Water Quality Certification with Conditions

- a) Adverse or potentially adverse Project effects on water quality or designated beneficial uses that did not exist or were not reasonably apparent when this Certification was issued;
- b) TMDLs;
- c) Changes in Water Quality Standards;
- d) Any failure of Certification conditions to protect water quality or designated beneficial uses when the Certification was issued; or
- e) Any change in the Project or its operations that will adversely affect water quality or designated beneficial uses when this Certification was issued.

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 Jodi Gardberg at (801) 536-4300, jgardberg@utah.gov with any questions you may have concerning this Blanket 401 Water Quality Certification.

Sincerely,



Kim Shelley
Acting Director

KS/JG/blj

