

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

§401 Water Quality Certification No. DWQ-2004-50019

Pursuant to §401 of the Federal Clean Water Act(CWA), the Utah Department of Environmental Quality (DEQ), Division of Water Quality (DWQ) certifies that the applicant has provided reasonable assurance that any discharges associated with the proposed project will not violate surface water quality standards, or cause additional degradation in surface water not presently meeting water quality standards. In accordance with Section 401(a)(1) of the CWA [33 U.S.C. Sec. 1341(a)(1)], DWQ hereby issues this §401 Water Quality Certification provided any listed conditions are met and included in the corresponding U.S. Army Corps of Engineers (USACE) 404 Permit.

Applicant: Salt Lake City Department of Airports
Mr. Kevin Robins
P.O. Box 145550
Salt Lake City, Utah 84114

Project: The applicant proposes to construct an employee parking lot, screening facility, Compressed Natural Gas (CNG) bus fueling station, and associated improvements between Runway 16R/34L to the west, North 4000 West to the east, and the North Point Consolidated Canal (NPCC) to the north. The Salt Lake City International Airport is undersized for the current and projected operational demands, and experiences traffic congestion, long wait times for employee and passenger security screening, and a shortage of parking spaces. To address these issues, the Airport is currently undergoing a major terminal redevelopment program, which includes the need for additional screening and parking facilities based on anticipated new Federal Aviation Administration regulations. The purpose of the project is to provide adequate and safe infrastructure for security screening of all employees that alleviates traffic and congestion at existing parking and security screening areas, does not interfere with existing and planned Airport operations, does not require rescreening of employees inside the Airport, and does not require recurrent security inspections of buses following refueling and temporary parking.

Location: North end of Salt Lake City International Airport located at approximately 40.8102, -111.9912 in Salt Lake County, Utah

Watercourse(s): un-vegetated playa and vegetated playa

Effective Date: **June X, 2019**

Erica Brown Gaddis, PhD
Director, Division Water Quality

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I. Background

A. Other Applicable Permits

1. USACE 404 Permit : SPK-2004-50019

B. Project Description/Purpose

The applicant proposes to construct an employee parking lot, screening facility, Compressed Natural Gas (CNG) bus fueling station, and associated improvements between Runway 16R/34L to the west, North 4000 West to the east, and the North Point Consolidated Canal (NPCC) to the north. The Salt Lake City International Airport is undersized for the current and projected operational demands, and experiences traffic congestion, long wait times for employee and passenger security screening, and a shortage of parking spaces. To address these issues, the Airport is currently undergoing a major terminal redevelopment program, which includes the need for additional screening and parking facilities based on anticipated new Federal Aviation Administration regulations. The purpose of the project is to provide adequate and safe infrastructure for security screening of all employees that alleviates traffic and congestion at existing parking and security screening areas, does not interfere with existing and planned Airport operations, does not require rescreening of employees inside the Airport, and does not require recurrent security inspections of buses following refueling and temporary parking.

C. Site Description

The project area is located within an unsecure area at the Airport that is not currently used to support Airport operations, is not open to the public, and does not support recreational or foreign commerce activities. The proposed project area is bounded by Runway 16R/34L to the west, North 4000 West to the east, and the NPCC to the north. The NPCC located immediately to the north of the proposed project area is a manmade canal used to deliver irrigation water and to supply water to maintain the wetlands located north of the Airport. The proposed project area is located approximately 8 miles southeast of the Great Salt Lake and 2 miles south of the Farmington Bay Wildlife Management Area and its surrounding ponds and mudflats. The proposed project area is characterized as undeveloped, flat (0 to 2 percent slope), relatively undisturbed land. However, the site has previously been disturbed by the depositing of earthen material on the northwestern portion, the periodic mowing of vegetation during maintenance activities, and the historical and modern construction of infrastructure. Existing infrastructure within the proposed project area includes a gravel roadway that runs north-south along the western

edge, parallel to the SIDA Perimeter Road; a drainage ditch that runs north-south and northwest-southeast east of the gravel roadway; an underground pipe culvert that connects to the drainage ditch and runs north-south just east of the gravel roadway; a chain link fence that runs north-south along the eastern edge; and two historic water conveyance channels (currently filled in with sediment).

D. Proposed Alterations/Mitigation

The applicant proposes the filling of 2.0 acres of un-vegetated playa and 0.62 acres of vegetated playa. The applicant is also proposing to mitigate for unpermitted impacts to 0.24 acres of non-wetland waters of the U.S. and 0.28 acres of wetland that was impacted during a March 2012 drainage ditch project.

The SLCDCA proposes to purchase mitigation banking credits from Machine Lake Wetlands Mitigation Bank in Box Elder County to compensate for loss of waters of the U.S. The Machine Lake Wetlands Mitigation Bank has in-kind mitigation credits is available for the vegetated and un-vegetated playa that would be impacted by the proposed project, which is identified by the bank as “mudflat/shallow water” with dominant vegetation that includes iodine bush. In-kind mitigation is also available for the March 2012 impacts caused by construction of the drainage ditch on the western end of the proposed project area; that mitigation credit type is identified as “saline wet meadow” with dominant vegetation that includes saltgrass, foxtail barley, and Baltic rush, which were documented in the 2005 Jurisdictional Delineation as being present prior to the 2012 disturbance. To mitigate for unavoidable impacts to waters of the U.S., a total of 8.38 acres of in-kind Mitigation Bank credits from the Machine Lake Mitigation Bank is proposed:

Mitigation (Credits)	Historic Impacts	Proposed Impacts	Total
Saline Wet Meadow	1.69	1.24	2.93
Mudflat/Shallow Water	1.45	4.0	5.45
Total	3.14	5.24	8.38

II. Certification Conditions

A. Project Specific Conditions

1. Best Management Practices (BMPs)

- a. Wetlands outside of the permitted impact area shall be clearly marked to prevent unintentional/additional impacts to water features.
- b. Wetlands that are not proposed to be altered onsite should be protected from discharges by silt fence or equivalent BMP.
- c. When working near the North Point Consolidated Canal, measures should be taken to prevent discharge into the canal by use of silt fence or equivalent BMP.

B. General Conditions

1. Good Housekeeping

- a. Applicant and their subcontractors shall ensure that all workers involved are continuously aware of the water quality protection measures before the start and during the construction period.
- b. Retain a copy of this §401 Certification and its affiliated USACE 404 Permit onsite.

2. Stormwater and BMPs

- a. Water quality standards in associated water resources could be violated unless appropriate Best Management Practices (BMPs) are incorporated to minimize the erosion-sediment and nutrient load to any adjacent waters during project construction. The applicant shall not use any fill material which may leach organic chemicals (e.g. discarded asphalt), noxious weeds/seeds or nutrients (e.g., phosphate rock) into waters of the State.
- b. Construction activities that disturb one acre or more, or are part of a common plan of development, are required to obtain coverage under the Utah Pollutant Discharge Elimination System (UPDES) Stormwater General Permit for Construction Activities, Permit No. UTR300000^[1]. The permit requires the

¹Link: <https://documents.deq.utah.gov/water-quality/permits/updes/DWQ-2017-003485.pdf>

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 limited to, final site maps and legible plans, location of stormwater outfalls/discharges, as well as information pertaining to any stormwater retention requirements.

- c. Dewatering activities, if necessary during construction, may require coverage under the UPDES General Permit for Construction Dewatering, Permit No. UTG070000^[2]. The permit requires water quality monitoring every two weeks to ensure that the pumped water is meeting permit effluent limitations, unless water is contained onsite.
 - 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 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.
 - e. Utah Administrative Code R317-2 requires that the Applicant cannot increase water turbidity by 10 NTUs. If violated shall immediately notify the DWQ. A fact sheet describing the Utah Department of Environmental Quality's (DEQ) recommended environmental BMPs for construction sites are located on our web site ^[3].
3. Spills
- a. Refueling equipment and storage of lubricants and fuels will occur at designated staging areas and in state approved containers. The storage and refueling areas will be at least 500 feet from the edge of the nearest waterbody (including wetlands), at least 200 feet from the nearest private water supply well, and at least 100 feet from the nearest municipal water supply well.
 - b. Utah Annotated Code 19-5-114 requires that any spill or discharge of oil or other substances which may cause pollution to waters of the State, including wetlands, must be immediately reported to the Utah DEQ Spill Hotline at (801) 536-4123, a 24-hour phone number.

¹Link: <https://documents.deq.utah.gov/water-quality/permits/updes/DWQ-2017-003485.pdf>

² Link: <https://deq.utah.gov/legacy/permits/water-quality/utah-pollutant-discharge-elimination-system/docs/utg070000.pdf>

³Link: <https://deq.utah.gov/legacy/businesses/business-assistance/construction/index.htm>

III. Aquatic Resource Impacts

All Waters of the State of Utah (defined in Administrative Code (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 of 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 water body. Listed below are the water features within the project area and their associated designated beneficial uses (see UAC R317-2-6):

A. Impacts to Water Features

1. Un-vegetated and Vegetated Playa

- 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.

Classifications are based on R317-2-13.13, where it states that “*all waters not specifically classified are presumptively classified: 2B, 3D.*”

IV. Modifications

- A. Without limiting DWQ's discretion to take other actions in accordance with UAC R317-15, and, as applicable, 33 USC 1341, DWQ may modify the Certification to add, delete, or modify the conditions in this Certification as necessary and feasible to address:
1. Adverse or potential adverse project effects on water quality of designated beneficial uses that did not exist or were not reasonably apparent when this certification was issued;
 2. TMDLs;
 3. Changes in Water quality standards;
 4. Any failure of Certification conditions to protect water quality or designated uses when the Certification was issued; or
 5. Any change in the Project or its operations that will adversely affect water quality of designated beneficial uses when this Certification was issued.

V. Other Information

A. Fees

1. The legislatively-mandated fee for the 2019 fiscal year is \$100.00/hour, for review and issuance of the §401 Water Quality Certification [⁴]. A quarterly invoice will be sent once plans have been approved. Your payment is due within 30 days.

B. Liabilities

1. Applicant must acquire all necessary easements, access authorizations and permits to ensure they are able to implement the project. This §401 Certification does not convey any property rights or exclusive privileges, nor does it authorize access or injury to private property.
2. This §401 Certification does not preclude the applicant'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 applicant from any liability or penalty, should violations to the permit terms and conditions or Federal or State Laws occur.

⁴Link: <https://documents.deq.utah.gov/admin/2019-fee-schedule.pdf>

VI. Public Notice and Comments

A. Public Notice Dates

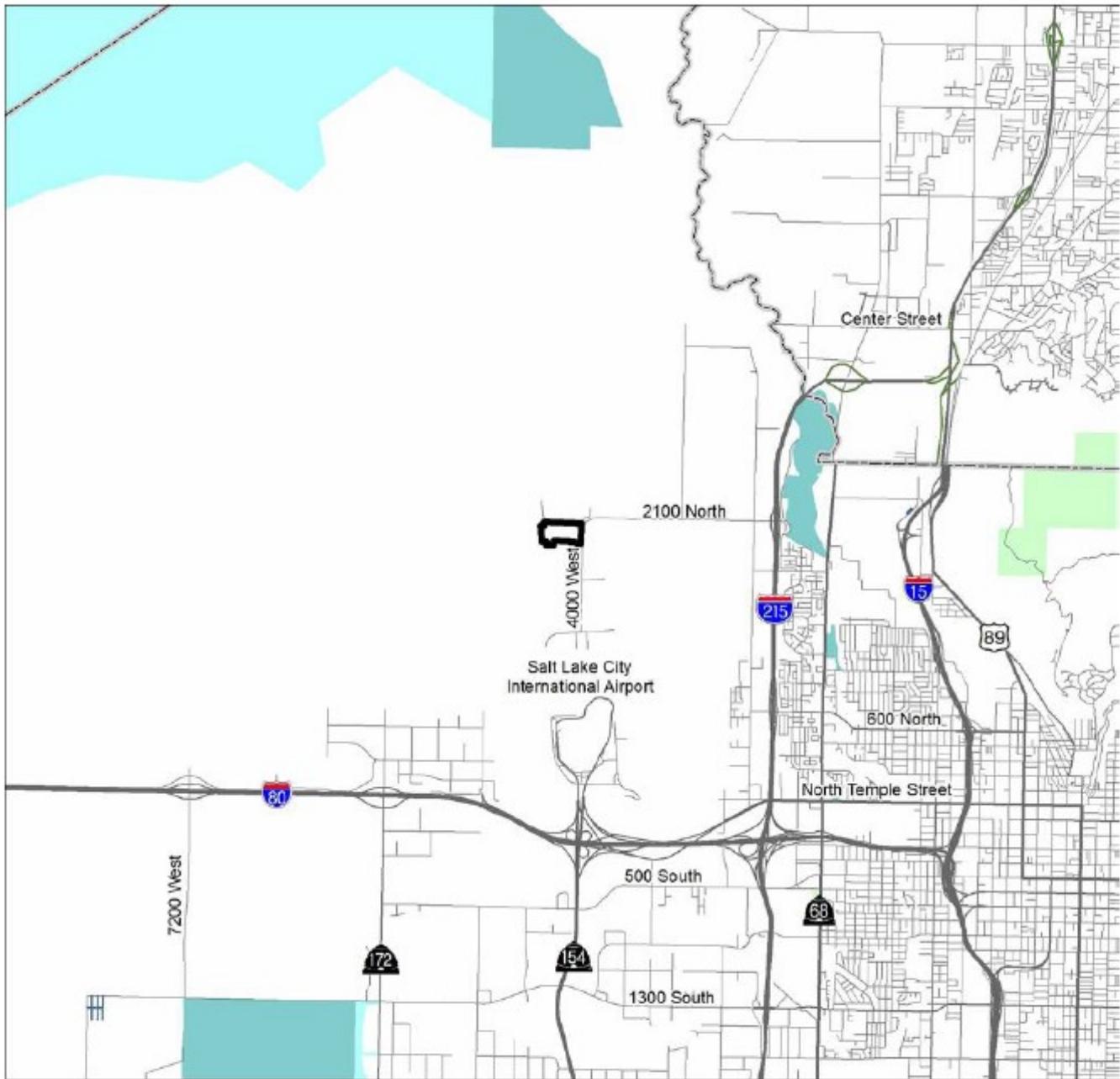
1. USACE Permit No. SPK0-2004-50019: 08/24/18 – 09/24/2018
2. Utah DEQ Certification No. DWQ-2004-50019 :

B. Public Notice Comments/Response

PN DRAFT

Appendix A: Site Location

PND DRAFT



Source: Land ownership GIS coverage provided by SITLA (2016)

Key

-  Project Location
-  Private
-  State
-  State, County, City; Wildlife, Park and Outdoor Recreation Areas
-  US Forest Service (USFS)

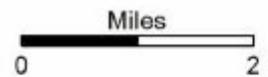
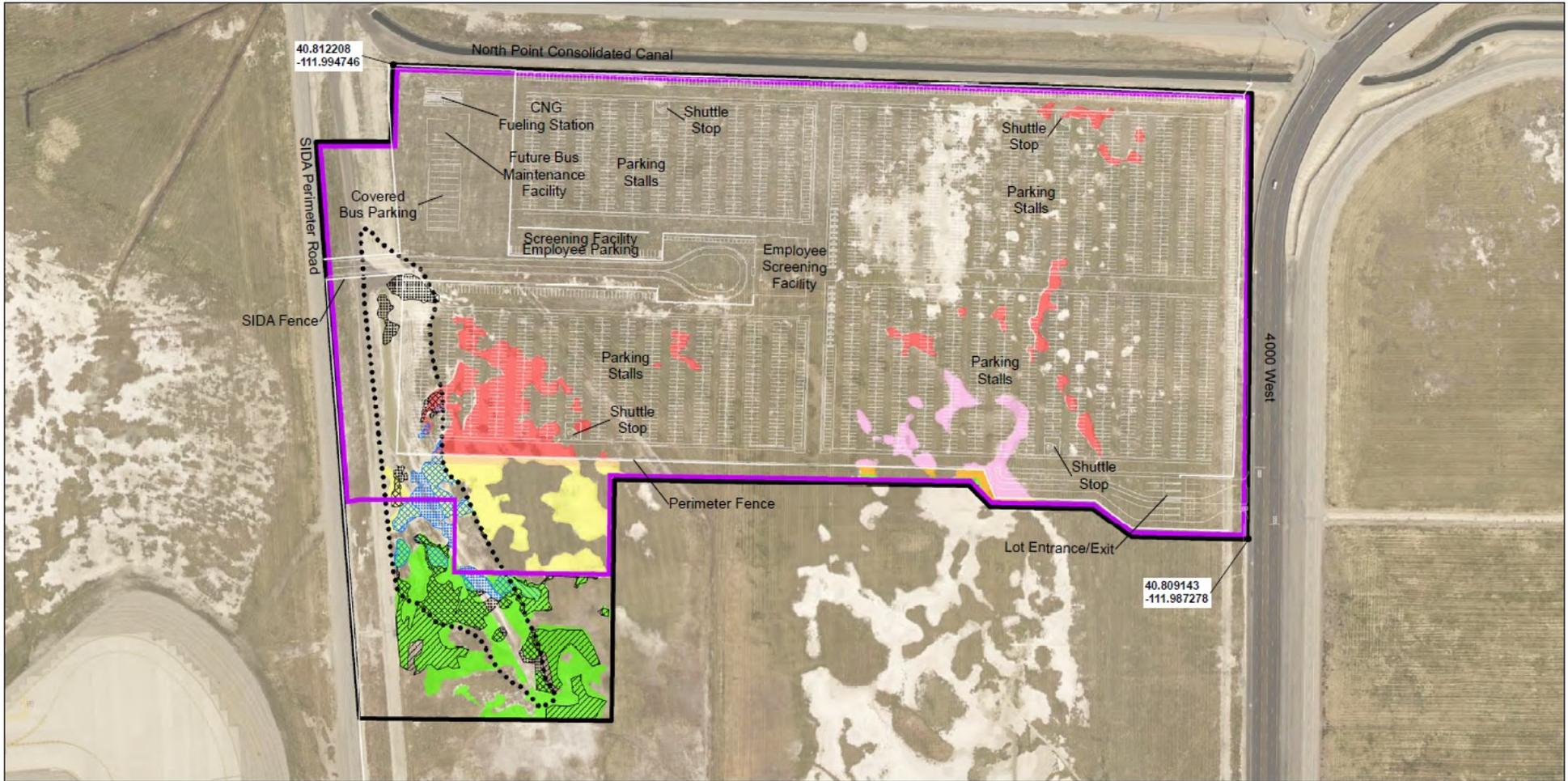


Figure 4. Project Vicinity Map

Appendix B: Project Layout and Impacts to Waters of the State

PND DRAFT



Aerial Photography: Salt Lake County Assessor October 2017

Prepared by: V. Casteel of Logan Simpson March 2019

Notes:
 1. 2012 permanent impacts to wetland and non-wetland Waters that occurred within the 2012 Disturbance Boundary include areas that did not reestablish following the 2012 disturbance. If the wetland/non-wetland Waters reestablished following the 2012 disturbance, they were considered 2012 temporary impacts.
 2. Some Waters that were temporarily impacted in 2012 would be permanently impacted by the proposed North Employee Screening Lot project improvements. There is some overlap in impact acreages between the 2012 temporary impacts and the currently proposed permanent and temporary impacts to Waters. Therefore, the sum of all the individual impact acreages (provided in the legend) will be greater than the net permanent and temporary impact acreage.

Legend

	Project Boundary (58.43 acres)		2012 Undisturbed Non-wetland (0.04 acre)		Current Undisturbed Non-wetland (1.34 acres)
	2012 Disturbance Boundary		2012 Undisturbed Wetland (0.94 acre)		Current Undisturbed Wetland (2.66 acres)
	2018 Survey Boundary		2012 Permanent Impact to Non-wetland (0.24 acre)		Proposed Permanent Impact to Non-wetland (2.00 acres)
			2012 Permanent Impact to Wetland (0.28 acre)		Proposed Permanent Impact to Wetland (0.62 acre)
			2012 Temporary Impact to Non-wetland (0.38 acre)		Proposed Temporary Impact to Non-wetland (0.17 acre)
			2012 Temporary Impact to Wetland (0.51 acre)		Proposed Temporary Impact to Wetland (0.13 acre)



Revised Project Layout
 Impacts to Waters of the United States
 Over October 2017 Aerial
 Salt Lake City International Airport North Employee Screening Lot

Source: USGS 7.5' Quadrangles Salt Lake City North, Utah. (1978); T1N, R1W, Sec. 19; UTM 1983 Zone 12S; 416393.05mE, 4518232.11mN	Feet 1" = 250'	March 2019 <hr/> Figure 3
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