

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

§401 Water Quality Certification No. DWQ-2019-08002

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: Saratoga Springs City Public Works
Jeremy Lapin
2013 North 900 East
Saratoga Springs, UT 84045

Project: The applicant is proposing to install two 36-inch diameter sewer lines, following the alignment of the proposed Pony Express Parkway extension. The activity would include the construction of two separate parallel sewer lines that include approximately 18,500 feet of PVC sewer pipe ranging in size from 12" to 48", a jack and bore across Redwood Road, a pre-manufactured truss bridge across the Jordan River. Concrete sewer vaults, a measuring flume vault and associated casing pipes/manholes, engineered dewatering and trench stabilization, bedding, import backfill, testing, surface restoration, and appurtenances. The project would impact 0.84 acres of emergent marsh wetlands, which is proposed to be mitigated at a 10:1 ratio for wetland enhancement at a nearby site within the watershed.

Location: The proposed project will follow the alignment of the proposed Pony Express Parkway extension. It starts at approximately 40.395005, -111.886578 and ends at approximately 40.338051, -111.916161.

Watercourse(s): Jordan River and 0.84 acres of emergent marsh wetlands.

Effective Date: **September X, 2019**

Erica Brown Gaddis, PhD
Director, Division Water Quality

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I. Background

A. Other Applicable Permits

1. USACE 404 Permit : Letter of Permission (SPK-2019-00277)

B. Project Description/Purpose

The applicant is proposing to install two 36-inch diameter sewer lines, following the alignment of the proposed Pony Express Parkway extension. The activity would include the construction of two separate parallel sewer lines that include approximately 18,500 feet of PVC sewer pipe ranging in size from 12” to 48”, a jack and bore across Redwood Road, a pre-manufactured truss bridge across the Jordan River. Concrete sewer vaults, a measuring flume vault and associated casing pipes/manholes, engineered dewatering and trench stabilization, bedding, import backfill, testing, surface restoration, and appurtenances. The project would impact 0.84 acres of emergent marsh wetlands, which is proposed to be mitigated at a 10:1 ratio for wetland enhancement at a nearby site within the watershed.

C. Basis of Certification Decision

The decision to certify the project with general conditions was base in part on the work falling under a USACE Letter of Permission and impacts to wetlands total less than 1 acre. Additionally, the project proposes mitigating within the watershed at a 10:1 ratio for wetland enhancement. The construction will mostly be taking part next a major roadway and the applicant is taking steps to minimize impacts including returning native soils to the disturbed wetlands and re-vegetating with native seed where possible.

II. Certification Conditions

A. 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 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.

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>

- 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.

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. Linear Water Features

1. Jordan River (Narrows to Utah Lake)

- a. Class 1C: Protected for use as a raw water source for domestic water systems.
- b. 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.
- c. 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.
- d. Class 4: Protected for agricultural uses including irrigation of crops and stock watering.

B. Wetlands (emergent marsh wetlands)

- a. Class 2B: as described above;
- 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.*”

C. Impairments and Pollutants of Concern:

Results from the current water quality assessment, as documented in Utah's 2016 Integrated Report [4], indicate that the water quality of the Jordan River is considered to be impaired (Assessment Category 5). These impairments include degraded drinking water source (Class 1C), due to excessive concentrations of arsenic; and degraded agricultural uses (Classes 4), due to excessive concentrations of Total Dissolved Solids (TDS). The CWA directs states to prepare a plan to restore water quality to impaired waters, otherwise known as a total maximum daily load (TMDL) study. A TMDL is required for each parameter and water body to define pollutant reduction requirements necessary for the water body to meet water quality standards. At present, no TMDLs have been finalized as it relates to arsenic and TDS for the Jordan River.

⁴Link: <https://documents.deq.utah.gov/water-quality/monitoring-reporting/integrated-report/DWQ-2017-004941.pdf>

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 2020 fiscal year is \$100.00/hour, for review and issuance of the §401 Water Quality Certification [⁵]. 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.

⁵Link: <https://documents.deq.utah.gov/admin/2020-fee-schedule.pdf>

VI. Public Notice and Comments

A. Public Notice Dates

1. Utah DEQ Certification No. DWQ-2018-08002 :

B. Public Notice Comments/Response

PND DRAFT

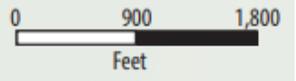
Appendix A: Site Location/ Alignment

PND DRAFT



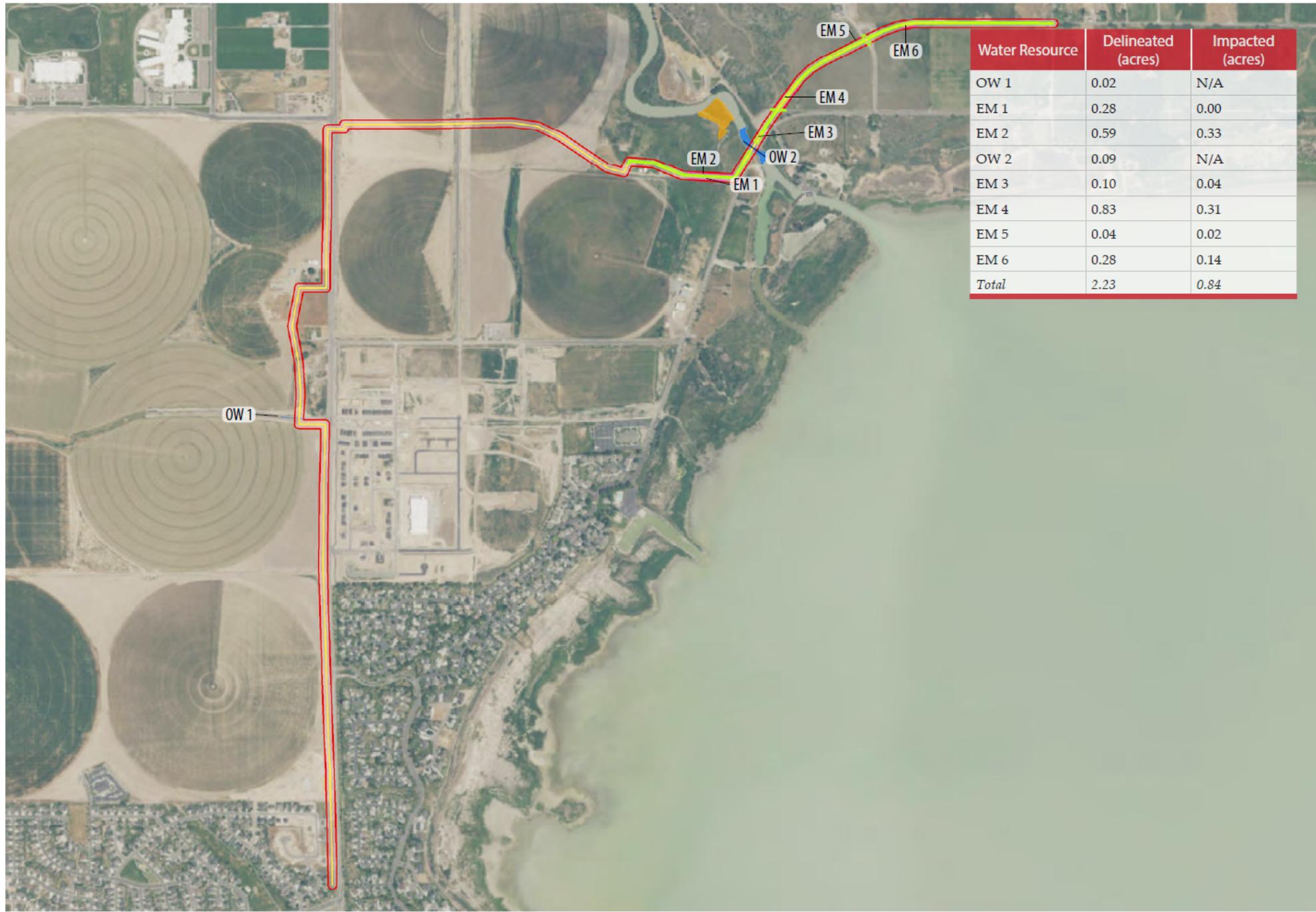
Gravity Sewer
Improvements on Aerial
Photography
Source: Google Earth, 2018
Doug Jacobson; April 11, 2019

- Sewer Line
- ▭ Survey Area
- ▭ Parcel Lines



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

PND DRAFT



Water Resource	Delineated (acres)	Impacted (acres)
OW 1	0.02	N/A
EM 1	0.28	0.00
EM 2	0.59	0.33
OW 2	0.09	N/A
EM 3	0.10	0.04
EM 4	0.83	0.31
EM 5	0.04	0.02
EM 6	0.28	0.14
Total	2.23	0.84

Figure A1. Gravity Sewer Outfall Wetland Survey Results
 Source: Google Earth, 2018
 Douglas Jacobson; April 23, 2019; updated April 29, 2019

-  Survey Area
-  Sewer Line
-  Fill Line
-  Emergent Marsh
-  Open Water
-  Proposed Mitigation Site

0 900 1,800
 Feet



Appendix C: Proposed Mitigation Site Plan

PND DRAFT



Gravity Sewer
Improvements Mitigation
Site

Source: Google Earth, 2018

Douglas Jacobson; June 6, 2019



Mitigation Site

