

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

§401 Water Quality Certification No. DWQ-2018-07001

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 with General Conditions.

Applicant: Utah Department of Transportation (UDOT)
Aaron Wall
2010 S 2760 W
Salt Lake City, Utah 84104

Project: The applicant is proposing to extend the existing Frontage Road and eliminate direct driveway accesses to the SR-201 roadway for a 1.06 mile stretch. The purpose of the project is to improve safety by removing direct access to SR-201 and providing safe entry to properties from the extended Frontage Road. Construction will remain in the UDOT right-of-way and any approved temporary easements. The design includes drainage structures and linear detention for various discharge points. The project will fill 0.78 acres of palustrine emergent wetlands along the side of SR-201 and the wetlands will be mitigated at a 1:1 ratio in the form of 0.78 credits from the Rio-Tinto, Kennecott, Inland Sea Shorebird Reserve Mitigation Bank.

Location: The project is located on Frontage Road to SR-201 from 7200 W to 8000 W in Magna, Utah. Latitude 40.72558°, Longitude -111.97487°

Watercourse(s): Kersey Creek Canal, Riter Canal, 8 Palustrine Emergent Wetlands

Effective Date: **January X, 2019**

Erica Brown Gaddis, PhD
Director, Division Water Quality

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- i. Overall Impacts

Section 1: Background:

- I. Other Applicable Permits:
 - 1. USACE Letter of Permission
- II. Project Description/Purpose :

The applicant is proposing to extend the existing Frontage Road and eliminate direct driveway accesses to the SR-201 roadway for a 1.06 mile stretch. The purpose of the project is to improve safety by removing direct access to SR-201 and providing safe entry to properties from the extended Frontage Road. Construction will remain in the UDOT right-of-way and any approved temporary easements. The design includes drainage structures and linear detention for various discharge points. The project will fill 0.78 acres of palustrine emergent wetlands along the side of SR-201 and the wetlands will be mitigated at a 1:1 ratio in the form of 0.78 credits from the Rio-Tinto, Kennecott, Inland Sea Shorebird Reserve Mitigation Bank.

Construction of the proposed segment would complete the frontage road south of SR-201 between 8000 West Street and 7200 West Street. Consistent with other segments of Frontage Road along SR-201, the proposed roadway would have three-lanes, a 12-foot-wide travel lane in each direction, 14-foot center turn lane, median, and 2-foot shoulders on each side.

The design also includes space for a future parkstrip and sidewalk along the south side of the road. Completing Frontage Road would create a new 3-way intersection with 8000 West Street. There is an existing intersection with 7200 West Street, where the proposed Frontage Road would terminate on the east end. The proposed design does not require modification realignment of travel lanes on 7200 West Street or 8000 West Street.

The project design includes drainage facilities using curb-and-gutter on the south side of the roadway and linear conveyance of stormwater to the various discharge points. All discharges from the site will enter either the Riter Canal or Kersey Creek Canal.

- III. Basis of Certification Decision:

The decision to certify the project with general conditions was based in part on the work falling under an USACE Letter of Permission, Impacts to Wetlands onsite totaled less than an acre, mitigation for the project has already been completed in the form of credits from the Rio-Tinto, Kennecott, Inland Sea Shorebird Reserve Mitigation Bank, and the application has provided sufficient details to ensure that discharges to Waters of the State will be treated properly. Additionally, the site will be covered under the UPDES Stormwater General Permit for Construction Activities.

Section 2: Certification Conditions: The USACE is requested to include all of the conditions of this §401 Water Quality Certification with General Conditions in their Letter of Permission. Approval is hereby given to conduct the outlined project requests as described in the Certification Application, under the following conditions:

I. 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 Letter of Permission 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 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. If the project is within any Municipal Separate Storm Sewer System (MS4) jurisdiction, then the applicant will need to comply with all the conditions required in that UPDES MS4 Permit and associated ordinances.
- 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 at: <https://deq.utah.gov/legacy/businesses/business-assistance/construction/index.htm>

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

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

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.

Section 3: 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):

I. Impacts to Canals:

1. Streams: Riter Canal and Kersey Creek Canal

- 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 low degree of bodily contact with the water.
- b. Class 3D: Protected for waterfowl, shore birds and other water-oriented wildlife not included in classes 3A, 3B, or 3C, including the necessary organisms in their food chains.

Riter Canal and Kersey Creek Canal are not specifically classified, so they are presumptively classified as 2B and 3D per *UAC* 317-2-13.13.

II. Impacts to wetlands

1. Wetlands: Cumulative impacts of 0.78 acres of 8 palustrine emergent wetlands. The Wetlands are generally fed by roadway runoff and contain little biological diversity.

Section 4: Modifications:

1. 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:
 - a. 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;
 - b. TMDLs;
 - c. Changes in water quality standards;
 - d. Any failure of Certification conditions to protect water quality or designated uses when the Certification was issued; or
 - e. Any change in the Project or its operations that will adversely affect water quality of designated beneficial uses when this Certification was issued.

Section 5: Other Information

I. 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 [³]. A quarterly invoice will be sent once plans have been approved. Your payment is due within 30 days.

II. 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.

Section 6: Public Notice and Comments

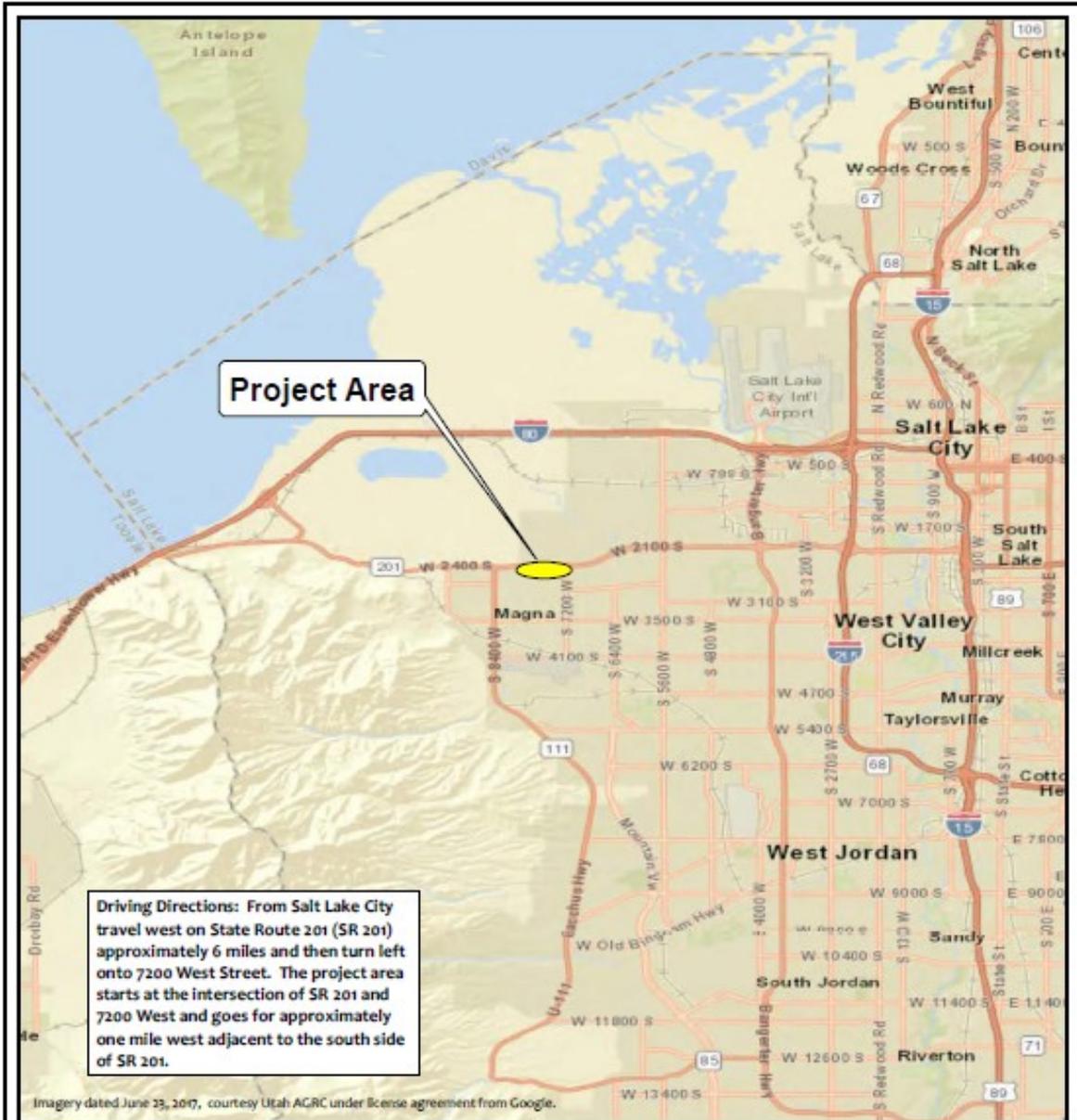
I. Public Notice Dates:

1. Utah DEQ Certification No. DWQ-2018-07001:

II. Public Notice Comments:

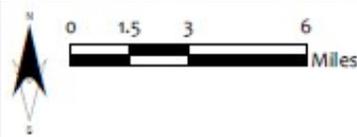
Appendix A

Site Location Map



Driving Directions: From Salt Lake City travel west on State Route 201 (SR 201) approximately 6 miles and then turn left onto 7200 West Street. The project area starts at the intersection of SR 201 and 7200 West and goes for approximately one mile west adjacent to the south side of SR 201.

Imagery dated June 23, 2017, courtesy Utah AGRC under license agreement from Google.



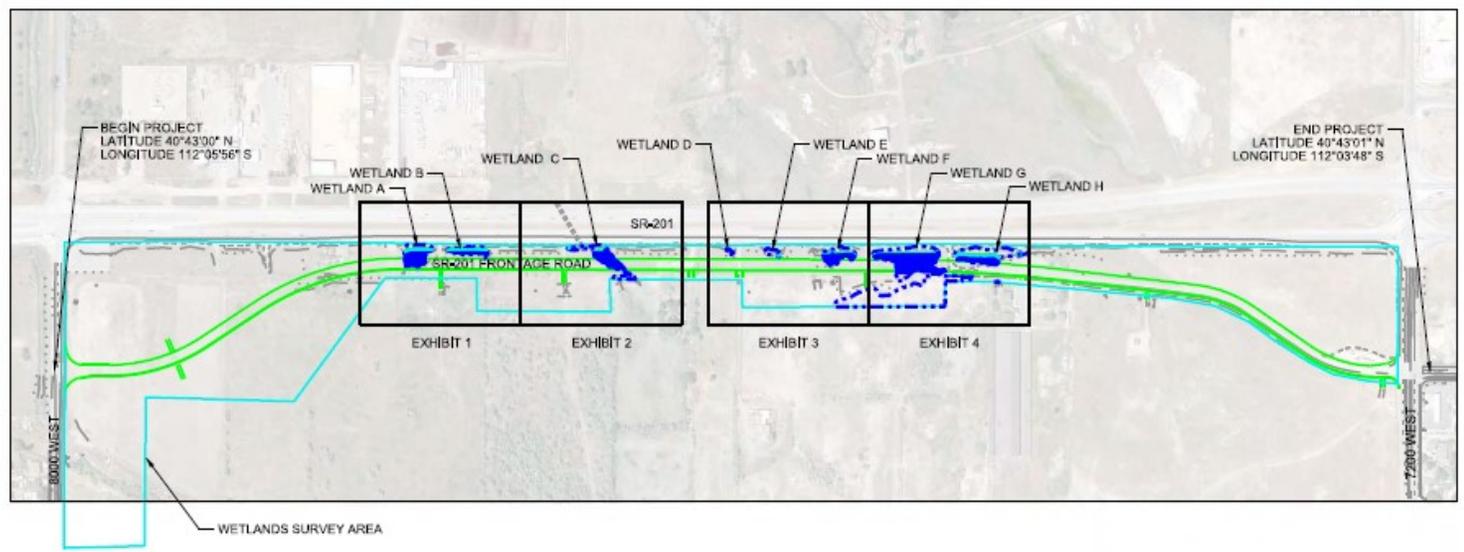
**SR-201
7200 W to 8000 W
(Frontage Road)**



Location Map

Appendix B

Overall Site Impacts



NOTE: AERIAL FROM THE NATIONAL AGRICULTURAL IMAGERY PROGRAM (NAIP) 2016.

	TOTAL TEMPORARY PALUSTRINE EMERGENT WETLAND IMPACTS = 0,07 AC
	TOTAL PERMANENT PALUSTRINE EMERGENT WETLAND IMPACTS = 0,78 AC



SR-201; 7200 W TO 8000 W (FRONTAGE ROAD)
F-0201 (38) 7

WETLAND IMPACT EXHIBIT
KEY MAP

PARSONS PREPARED BY: S. WILSON 06-15-18