



State of Utah

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DIVISION OF WATER QUALITY
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November 5, 2020

DIVISION OF WATER QUALITY
UTAH DEPARTMENT OF ENVIRONMENTAL QUALITY
PUBLIC NOTICE TO ISSUE A §401 WATER QUALITY CERTIFICATION

PURPOSE OF PUBLIC NOTICE

The purpose of this public notice is to declare the State of Utah's intention to issue a §401 Water Quality Certification with Conditions under the authority of the Federal Clean Water Act (33 U.S.C. § 1341), and consistent with the Utah Water Quality Act, Title 19, Chapter 5, Utah Code Ann. 1953, as amended and Utah Administrative Code R317-15.

PERMIT INFORMATION

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|------------------------|---------------------------------------|
| PERMITTEE NAME: | US Army Corps of Engineers |
| MAILING ADDRESS: | 1325 J Street |
| PROJECT LOCATION: | State of Utah |
| DWQ CERTIFICATION NO.: | DWQ-2020-10001 |
| WATERCOURSES: | Waters of the US in the State of Utah |

BACKGROUND

On September 15, 2020, the U.S. Army Corps of Engineers issued **85 FR 57298 Proposal to Reissue and Modify Nationwide Permits** proposing to reissue 52 existing nationwide permits (NWP) and issue five new NWP. NWP are general permits issued by the U.S. Army Corps of Engineers on a nationwide basis to streamline the authorization of certain activities under Section 404 of the Clean Water Act that result in no more than minimal individual and cumulative adverse environmental effects. Many of the proposed NWP require notification to the district engineer before commencing activities to ensure that the activities authorized by those NWP cause no more than minimal individual and cumulative adverse environmental effects.

NWP authorize certain activities under Section 404 of the Clean Water Act and Section 10 of the Rivers and Harbors Act of 1899. The USACE is proposing to reissue its existing NWP and associated general conditions and definitions, with some modifications. The USACE are also proposing to issue five new NWP. The USACE is proposing to divide the current NWP that authorizes utility line activities (NWP 12) into three separate NWP that address the differences in how different linear projects are constructed, the substances they convey, and the different standards and best management practices that help ensure those NWP authorize only those activities that have no more than minimal adverse environmental effects. Specifically, we are proposing to modify the current utility line NWP 12 to authorize only oil and natural gas pipeline activities. Two proposed new NWP would authorize activities associated with the construction, maintenance, repair, and removal of electric utility lines/telecommunication lines and utility lines that convey water, sewage, and other substances with the potential to pollute. The fifth proposed new NWP would authorize discharges of dredged or fill material into jurisdictional waters for the

construction, expansion, and maintenance of water reuse and reclamation facilities. NWP's authorize only activities with no more than minimal individual and cumulative adverse environmental effects.

PUBLIC COMMENTS

Public comments are invited any time prior to the deadline of the close of business on **December 7, 2020**. Written public comments can be submitted to: Leanna Littler, UPDES Surface Water Section, Utah Division of Water Quality, PO Box 144870, Salt Lake City, Utah 84114-4870 or by email at: llittler@utah.gov. After considering public comment the Utah Division of Water Quality may execute the Certification issuance, revise it or abandon it. The permit is available for public review under <https://deq.utah.gov/water-quality/water-quality-public-notices>. If internet access is not available, a copy may be obtained by calling Leanna Littler at 801-536-4397.

DWQ-2020-022702