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

§401 Water Quality Certification No. DWQ-2019-10002

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 herby issues this §401 Water Quality Certification provided any listed conditions are met and included in the corresponding U.S. Army Corps of Engineers (USACE) Section 404 Permit, Rivers and Harbors Act §9 and §10, or Federal Energy Regulatory Commission (FERC) License.

Applicant: Sunscape Farms, LLC
Mr. Jacob Smoot
1007 Parkway Drive
North Salt Lake City, Utah

Project: The applicant is proposing to realign and reconstruct an approximate 2,100 foot section of Gap Wash to accommodate and protect a proposed multifamily residential development. The proposed development would be affordable housing that would service the St. George area. This development would be comprised of apartment buildings, clubhouse, pool, pickleball court, trail, playground, a dog park and associated utilities. Also included in this project would be the extension of the Plantations Drive, which would service this development and provide connectivity between Southgate and Las Palmas communities in the future. The channel would be lined with 18 inch rip-rap placed 3 feet thick and would include rock grade control structures at 250 foot intervals. At the top of the channel two drop structures would be installed to maintain channel stability from the existing wash to the newly constructed section.

Location: The approximately 12-acre project site is located along Gap Wash between 1,900 feet and 4,100 feet upstream of the Gap Wash and Santa Clara Confluence, Latitude 37.08188°, Longitude -113.61027°, Washington County, Utah.

Watercourse(s): Gap Wash

Effective Date: **December X, 2019**

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Erica Brown Gaddis, PhD
Director, Division Water Quality

DWQ-2019-017934

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I. Background

A. Other Applicable Permits

1. USACE 404 Permit : SPK-2019-00074
2. DNR Stream Alteration Order: 19-81-04SA

B. Project Description/Purpose

The applicant is proposing to realign and reconstruct an approximate 2,100 foot section of Gap Wash to accommodate and protect a proposed multifamily residential development. The proposed development would be affordable housing that would service the St. George area. This development would be comprised of apartment buildings, clubhouse, pool, pickleball court, trail, playground, a dog park and associated utilities. Also included in this project would be the extension of the Plantations Drive, which would service this development and provide connectivity between Southgate and Las Palmas communities in the future.

The proposed Gap Wash channel would be approximately 2,100 feet long, 7.5 feet deep, with 2:1 side slopes and a 57-foot top width. The channel would be lined with 18 inch rip-rap placed 3 feet thick and would include rock grade control structures at 250 foot intervals. At the top of the channel two drop structures would be installed to maintain channel stability from the existing wash to the newly constructed section.

Based on the available information, the overall project purpose is to provide affordable housing to the St. George area. The applicant believes there is a need to provide additional multifamily housing.

C. Existing Site Conditions

There is approximately 2,100 linear feet of Gap Wash within the 12-acre project area. This section of Gap Wash ranges between approximately 5 feet to 27 feet wide and the near vertical banks are range between 2 feet to 5 feet deep. The wash downstream of the site has been channelized and rip-rapped up to the box culvert under Dixie Drive. The site and surrounding area is comprised of a fine silt soil supporting a creosote (Larrea tridentate) dominated community. The western half of the site also has patches of four-winged saltbush (Atriplex canescens) and desert almond (Prunus fasciculata). Within the wash, there are four large trees, two tamarisk (Tamarix chinensis) and two mesquite (Prosopis velutina). Upstream of the project site, the wash is less incised and the vegetation within the wash is tamarisk and arrow weed (Pluchea sericea). Two active horse and cattle corrals were just off the project area to the north and evidence of grazing was identified with the project site.

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.

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[1]Link: 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.

[3]Link: 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. Gap Wash

    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 3B: Protected for warm water species of game fish and other warm water aquatic life, including the necessary aquatic organisms in their food chain.

    c. Class 4: Protected for agricultural uses including irrigation of crops and stock watering.

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 [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.

[4]Link: https://documents.deq.utah.gov/admin/2020-fee-schedule.pdf

VI. Public Notice and Comments

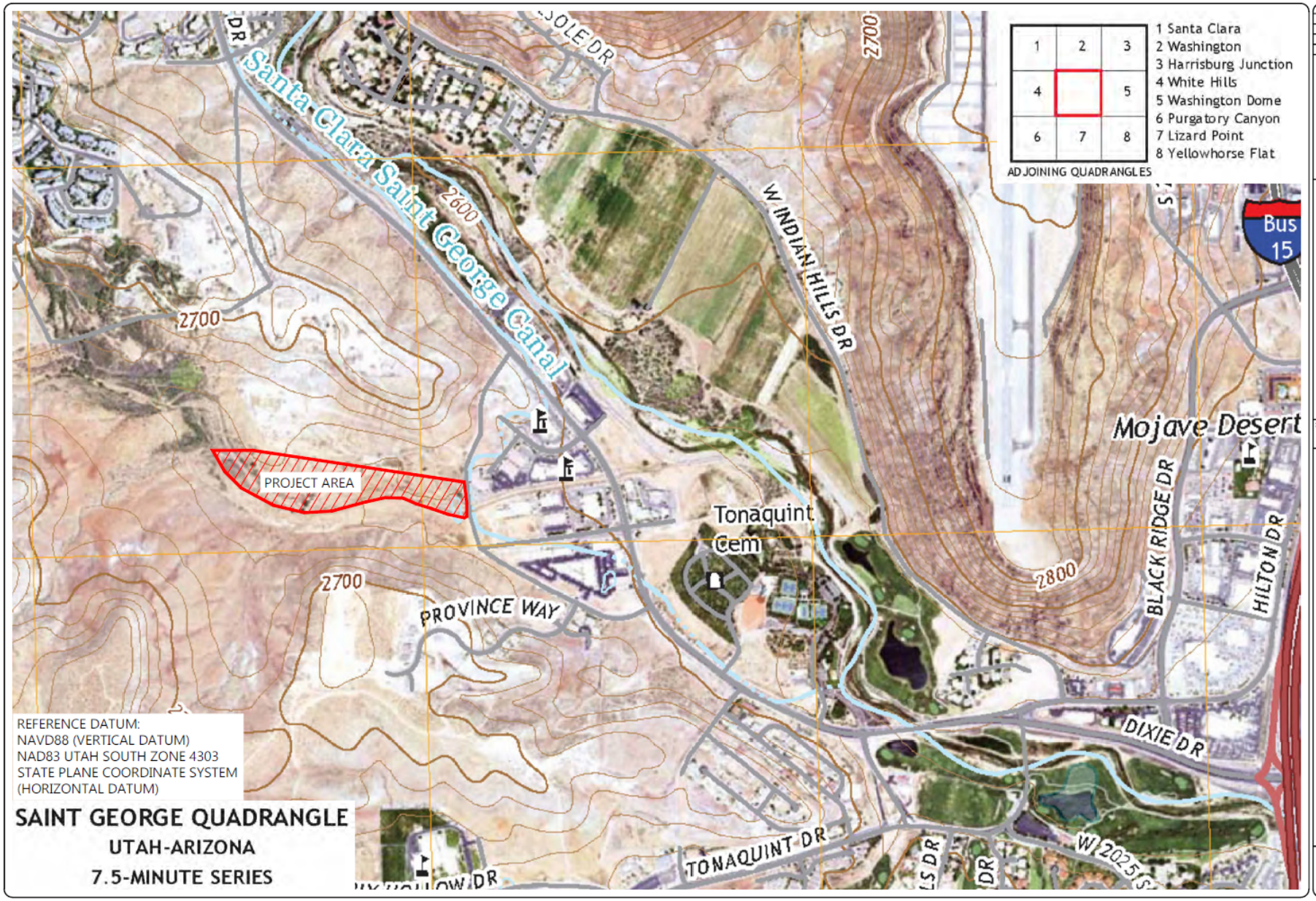
A. Public Notice Dates

1. USACE 404 Permit No. SPK-2018-00408: 10/31/2019 – 11/30/2019

2. Utah DEQ Certification No.: DWQ-2019-10001

B. Public Notice Comments/Response

Appendix A: Site Location Map



DATE: 1/2/2019
JOB NO.: 1062-16
DESIGNED BY: RWH
CHECKED BY: JHB
DWG: QUAD

DATE | REVISIONS

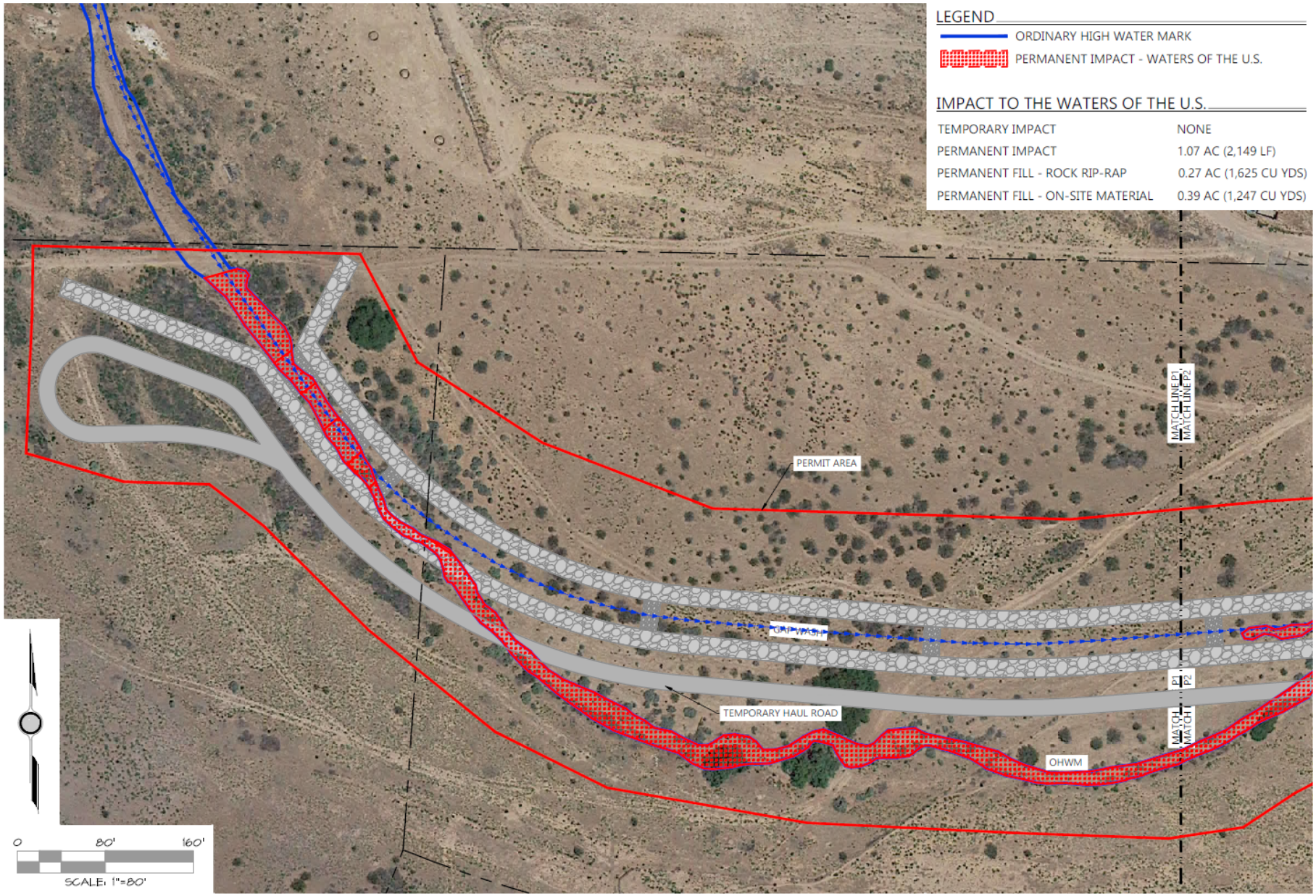
ROSENBERG ASSOCIATES
CIVIL ENGINEERS • LAND SURVEYORS

352 East Riverside Drive, Suite A-2
St. George, Utah 84770
Ph (435) 673-8586 Fx (435) 673-8397
www.rosenberg.com

VICINITY MAP-7.5 MINUTE QUADRANGLE
FOR
GAP WASH
ST. GEORGE, WASHINGTON COUNTY
UTAH

SHEET
1
1 OF 1 SHEETS

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



LEGEND

ORDINARY HIGH WATER MARK

PERMANENT IMPACT - WATERS OF THE U.S.

IMPACT TO THE WATERS OF THE U.S.

TEMPORARY IMPACT	NONE
PERMANENT IMPACT	1.07 AC (2,149 LF)
PERMANENT FILL - ROCK RIP-RAP	0.27 AC (1,625 CU YDS)
PERMANENT FILL - ON-SITE MATERIAL	0.39 AC (1,247 CU YDS)

DATE: 4/8/2014
JOB NO.: 10621-16
DESIGNED BY: GRF
CHECKED BY: JKB
DWG: IMPACTS

DATE | REVISIONS

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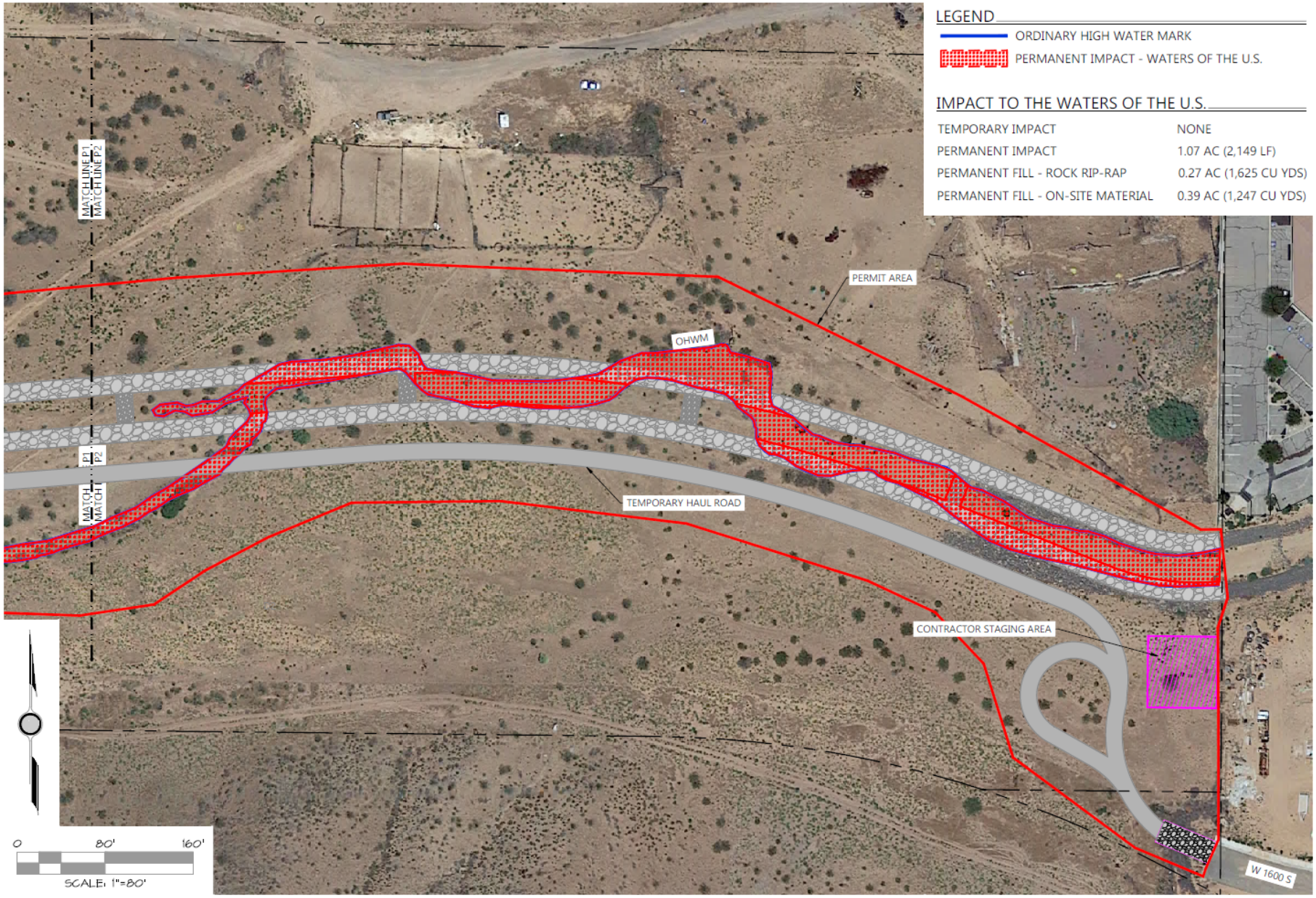
IMPACTS TO WATERS OF U.S.
FOR
GAP WASH RESTORATION
WASHINGTON COUNTY
UTAH

SHEET
1
1 OF 2 SHEETS



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CHECKED BY:	JKB
DWG:	IMPACTS

DATE | REVISIONS

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FOR
GAP WASH RESTORATION
WASHINGTON COUNTY
UTAH

SHEET
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