



State of Utah

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Department of
Environmental Quality

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DIVISION OF WATER QUALITY
John K. Mackey, P.E.
Director

December 15, 2022

Michael A. Pectol
U.S. Army Corps of Engineers
VIA EMAIL
READ RECEIPT REQUIRED

Subject: **Request for Extension of the Reasonable Period of Time**
US Magnesium Canal Continuation Project (SPK-2008-01773)

Dear Mr. Pectol:

On September 2, 2022, the Utah Division of Water Quality (DWQ) received a certification request for the US Magnesium Canal Continuation Project (SPK-2008-01773). On September 9, 2022, the U.S. Army Corps of Engineers (USACE) established the reasonable period of time for the proposed project as ninety (90) days, requiring the DWQ to act by December 1, 2022.

On October 12, 2022, the DWQ requested a thirty (30) day extension to the reasonable period of time for the project due to a request the DWQ received to extend the public comment time period and hold a public hearing for the project. On October 20, 2022, the USACE granted a fifteen (15) day extension request thus extending the deadline to issue a certification decision to December 15, 2022. The DWQ's public notice time period was extended to November 14, 2022. On November 15, 2022, the DWQ requested that the USACE reconsider the DWQ's original request for a thirty (30) day extension (additional fifteen (15) days), which was granted on December 2, 2022. This extended the reasonable period of time to December 29, 2022.

Per 40 CFR 121.6(d), Utah DWQ requests an extension of the ninety (90) day timeline and thirty (30) day extension that would require a certification decision by December 29, 2022. The DWQ is requesting that the USACE allow up to 1 year for the DWQ to issue a certifying decision, which would require the DWQ to issue a certifying decision by September 1, 2023.

The DWQ is appreciative of the thirty (30) day extension previously granted by the USACE. However, the DWQ received **approximately 813** comments during the public notice time period. The DWQ has been diligently reviewing, evaluating, and preparing responses to comments and concurrently evaluating the Draft certifying decision and application materials. However, the DWQ has determined that additional information is needed before a final certifying decision can be issued. Allowing an extension of up to 1 year allows time for the applicant to prepare and submit

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the additional information; the DWQ to assess and evaluate the submission; and allows ample time for DWQ's administrative process.

The DWQ appreciates your consideration of our request for an extension of the reasonable period of time. We understand that an extension of thirty (30) days was already granted, but additional time is needed to receive and evaluate information the DWQ plans to request, prior to a final certifying decision. If you have any questions about this correspondence please reach out to Leanna Littler-Woolf at (801) 536-4397 of lnlittler@utah.gov.

Sincerely,

A handwritten signature in cursive script that reads "Leanna Littler-Woolf".

Leanna Littler-Woolf
Assistant Director, Division of Water Quality

cc: Andrea Kilbane, DWQ
John K. Mackey, P.E., DWQ
Jeanne Riley, DWQ
Jason A. Gibson, USACE