



State of Utah

SPENCER J. COX  
Governor

DEIDRE HENDERSON  
Lieutenant Governor

Department of  
Environmental Quality

Kimberly D. Shelley  
Executive Director

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

November 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.

Per 40 CFR 121.6(d), Utah DWQ requests an extension of the ninety (90) day timeline and fifteen (15) day extension that would require a certification decision by December 15, 2022. The DWQ is requesting an additional two (2) week extension, which would require the DWQ to issue a certifying decision by December 29, 2022.

In a letter dated October 21, 2020, from the USACE (attached) about the reasonable periods of time based on permit type, it stated that extensions could be requested permitting it was two (2) weeks before the initially established reasonable period of time ended. The letter also indicated that extensions would be granted on a limited time basis, generally not to exceed 30 days.

The DWQ is appreciative of the extension previously granted by the USACE. However, the DWQ received **greater than 650** comments during the public notice time period. Due to the significant volume of comments received from the public, the DWQ needs additional time to review, evaluate, and respond to comments before issuing a final certifying decision. The additional (2)

Page 2  
Request for Extension  
US Mag Project (SPK-2008-01773)

week extension would still put the reasonable period of time within the thirty (30) day timeframe identified in the USACE October 21, 2020 letter.

The DWQ appreciates your consideration of our request for an extension of the reasonable period of time. We understand that an extension of fifteen (15) days was already granted, but additional time is needed to review, evaluate, and respond to the **greater than 650** comments received during the public notice time period. If you have any questions about this correspondence please reach out to Leanna Littler-Woolf at (801) 536-4397 of [lnlittler@utah.gov](mailto:lnlittler@utah.gov).

Sincerely,

A handwritten signature in black ink that reads "Leanna Littler-Woolf". The signature is written in a cursive style with a horizontal line underlining the name.

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