



Department of Environmental Quality

To protect, conserve and enhance the quality of Wyoming's environment for the benefit of current and future generations.



Matthew H. Mead, Governor

John Corra, Director

March 16, 2012

Mr. Matthew Bilodeau
U.S. Army Corps of Engineers
Wyoming Regulatory Office
2232 Del Range Blvd., Suite 210
Cheyenne, WY 82009

Dear Mr. Bilodeau,

In accordance with Section 401 of the Clean Water Act, the Wyoming Department of Environmental Quality (WDEQ) reviewed the nationwide general permits that become effective March 19, 2012, and made the following determinations:

1. Certification is denied for all nationwide permits where authorized activities would occur on Class 1 waters. Individual certification reviews are required. Refer to Attachment 1 of this letter for a list of Class 1 waters.
2. Certification is approved for nationwide permit #20 (Response Operations for Oil and Hazardous Substances) on all waters, including Class 1 waters.
3. Certification of all nationwide permits where authorized activities would occur on non-Class 1 waters (all other waters) is shown in Table 1 of this document.
4. Some nationwide permits require additional permit-specific conditions to assure attainment of Wyoming water quality standards. Refer to Table 1 for permit-specific certification conditions.



5. All certifications include the following standard conditions:
- a. Vegetation should be protected except where its removal is absolutely necessary for completion of the work. Disturbed soil should be revegetated in a manner that optimizes plant establishment for that specific site. Revegetation may include topsoil replacement, planting, seeding, fertilization, and weed-free mulching as necessary. Native material should be used where appropriate and feasible. All cut and fill slopes should be revegetated with appropriate species to prevent erosion.
 - b. This certification requires all equipment to be inspected for oil, gas, diesel, anti-freeze, hydraulic fluid and other petroleum leaks. All such leaks will be properly repaired and equipment cleaned prior to being brought on-site. Leaks that occur after the equipment is on-site will be repaired within one day or removed from the project area. The equipment is not allowed to continue operating upon discovery of a leak. In addition, compliance with all State and Federal requirements for storage of petroleum products and solvents is required.
 - c. Construction equipment should not be operated below the existing water surface except as follows:
 - i. Forging at one location is acceptable; however, vehicles should not push or pull material along the bed or banks below the existing water level. Impacts from fording should be minimized.
 - ii. Work below the waterline which is essential should be carried out in a manner which minimizes impacts to the aquatic system and water quality.
 - d. In all coldwater fisheries and drinking water supplies (Class 1, 2A, 2AB, and 2B streams), activities associated with this permit shall not increase turbidity by more than 10 nephelometric turbidity units (NTUs). In all warmwater or nongame fisheries (Class 2AB or 2C streams), turbidity shall not be increased by more than 15 NTUs.

In accordance with Section 23(c)(2) of Chapter 1 of the Wyoming Water Quality Rules and Regulations, the administrator of the Water Quality Division may authorize temporary increases in turbidity above the limits described above in response to an individual application for a variance. The variance must be approved before the authorized activity may elevate turbidity above these limits.

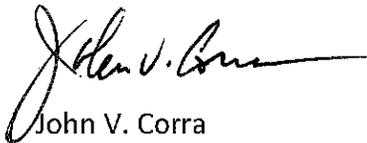
- e. Any temporary crossings, bridge supports, cofferdams or other structures should be designed to handle high flows anticipated to occur while these structures are present. All temporary structures should be completely removed from the waterbody at the conclusion of the permitted activity and the area restored to a natural appearance.
- f. WDEQ may consult with other state or federal agencies on individual certification reviews, as appropriate.
- g. The timing and duration of construction should be adjusted as necessary to minimize conflicts with fish migration and spawning

Informational copies of preconstruction notification documents should be provided to WDEQ for the following nationwide permits that have been certified for non-class 1 waters: 13, 14, 21, 27, 29, 37, 39, and 49.

This letter describes state certification of the 2012 nationwide permits as required by Section 401 of the Clean Water Act. It does not provide exemption from other regulations or legal action by private citizens due to property damage resulting from the authorized activity. WDEQ reserves the right to amend the certification determinations or conditions.

Please contact Jeremy ZumBerge at (307) 675-5638 for further information.

Sincerely,



John V. Corra
Director

JVC/JFW/DHW/JRZ/rm/12-0211

cc: Mary Flanderka, WGFD, Cheyenne
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