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

Todd Parfitt, Director

January 7, 2014

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

RE: Section 401 certification of Department of the Army Regional General Permit 19922202, Version 5 (RGP 9202-05) for the construction and modification of boat ramps in Wyoming.

Dear Mr. Bilodeau,

In accordance with the provisions of Section 401 of the Clean Water Act, the Wyoming Department of Environmental Quality (WDEQ) has reviewed Department of Army Regional General Permit 19922202, Version 5 and has made the following determinations:

1. Based on the current Chapter 1 of the Wyoming Water Quality Rules and Regulations, we have found that certification is approved on all Class 2, 3 and 4 waters.

2. Certification is denied where authorized activities would occur on Class 1 waters. Certification of this permit for activities on Class 1 waters must be deferred to the WDEQ for individual 401 certification and public notice.

   The following is a list of Class 1 waters in Wyoming:

   a. All surface waters located within the boundaries of national parks and congressionally designated wilderness areas as of January 1, 1999;

   b. The main stem of the Snake River through its entire length above the U.S. Highway 22 Bridge (Wilson Bridge);

   c. The main stem of the Green River, including the Green River Lakes from the mouth of the New Fork River upstream to the wilderness boundary;

d. The main stem of the Wind River from the Wedding of the Waters upstream to Boysen Dam;

e. The main stem of the North Platte River from the mouth of Sage Creek (approximately 15 stream miles downstream of Saratoga, Wyoming) upstream to the Colorado state line;

f. The main stem of the North Platte River from the headwaters of Pathfinder Reservoir upstream to Kortes Dam (Miracle Mile segment);

g. The main stem of the North Platte River from the Natrona County Road 309 bridge (Goose Egg bridge) upstream to Alcova Reservoir;

h. The main stem of Sand Creek above the U.S. Highway 14 bridge;

i. The main steam of the Middle Fork of the Powder River through its entire length above the mouth of Buffalo Creek;

j. The main stem of the Tongue River, the main stem of the North Fork of the Tongue River, and the main stem of the South Fork of the Tongue River above the U.S. Forest Service boundary;

k. The main stem of the Sweetwater River above the mouth of Alkali Creek;

l. The main stem of the Encampment River from the northern U.S. Forest Service boundary upstream to the Colorado state line;

m. The main stem of the Clarks Fork River from the U.S. Forest Service boundary upstream to the Montana state line;

n. All waters within the Fish Creek (near Wilson, Wyoming) drainage;

o. The main stem of Granite Creek (tributary to the Hoback River) through its entire length;

p. Fremont Lake;

q. Wetlands adjacent to the above listed Class 1 waters.

3. All certifications include the following standard conditions:

a. Vegetation must be protected except where its removal is absolutely necessary for completion of the work. Re-vegetate disturbed soil in a manner that optimizes plant establishment for that specific site. Re-vegetation may include topsoil replacement, planting, seeding, fertilization, and weed-free mulching as necessary. Native material shall be used where appropriate and feasible. Re-vegetate cut and fill slopes 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. Fording at one location is acceptable; however, vehicles should not push or pull material along the bed, banks or shoreline below the existing water level. Impacts from fording should be minimized.
    ii. Work below the waterline which is essential must be carried out in a manner which minimizes impacts to the aquatic system and water quality.

d. Activities associated with this certification shall not increase turbidity by more than 10 nephelometric turbidity units (NTUs) in all cold water fisheries and drinking water supplies (Classes 1, 2AB, 2A and 2B) or by more than 15 NTUs in all warm water or nongame fisheries (Classes 1, 2AB, 2B and 2C). However, 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. A WYPDES storm water permit for construction activities is required from the Wyoming Department of Environmental Quality (WDEQ) before any surface disturbance takes place for any project that will clear, grade, or otherwise disturb **one or more acres.** A general permit has been established for this purpose and either the project sponsor or general contractor is responsible for complying with the provisions of the general permit if total disturbance exceeds one acre, and for filing a Notice of Intent (NOI) if total disturbance exceeds five acres. The NOI should be filed no later than 30 days prior to the start of construction activity. Please contact Barb Sahl at 307-777-7570 for additional information.

    The major requirements of the storm water general permit pertain to the development and implementation of a pollution prevention plan along with regular inspection of pollution control facilities. The permit is required for the surface disturbances associated with construction of the project, access roads, construction of wetland mitigation sites, borrow and stockpiling areas, and equipment staging and maintenance areas.

f. A WYPDES discharge permit from WDEQ may be required for point source discharges to surface waters not related to storm water runoff such as

discharges from gravel crushing and washing operations, cofferdam or site dewatering, vehicle or machinery washing, or other material processing operations if they are conducted. Depending on the type of operation, the length of operation, and the type of discharge either a general temporary discharge permit or an individual discharge permit may be required. Please be advised that if an individual permit is required, processing will require at least 90 days. Contact Roland Peterson at 307-777-7090 for additional information.

g. If above ground storage of petroleum products exceeds 1,320 gallons in total or more than 660 gallons in a single tank a Spill Prevention Control and Countermeasures plan may have to be developed as provided for in the Environmental Protection Agency's Oil Pollution Prevention regulations (40CFR112). The Region 8 EPA office in Denver should be contacted for guidance.

h. Any temporary crossings, cofferdams or other structures should be designed to handle high flows/water 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.

i. WDEQ may consult with other state and federal agencies on individual certification reviews, as appropriate.

This letter constitutes State certification of this permit as required by Section 401 of the Clean Water Act. This letter does not provide an exemption from any other federal, state or local laws or regulations, nor does it provide exemption from legal action by private citizens for damage to property that the activity may cause. The Department also reserves the right to amend this certification and any of its terms or conditions as may be appropriate or necessary to protect water quality and associated designated uses.

Sincerely,

Kevin Frederick for

Todd Parfitt
Director
Department of Environmental Quality

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