



THE STATE
of **ALASKA**

GOVERNOR MICHAEL J. DUNLEAVY

Department of Environmental
Conservation

DIVISION OF WATER
Wastewater Discharge Authorization Program

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May 9, 2019

US Army Corps of Engineers, Alaska District (USACE)
Attn: Ms. Shannon Johnson, South Branch Chief
Regulatory Division
P.O. Box 6898
JBER, AK 99506-0898

Re: Issuance of RGP-02, Wrangell Industrial Park Subdivision
POA-2006-215-M4, Wrangell Narrows

Dear Ms. Johnson:

In accordance with Section 401 of the Federal Clean Water Act of 1977 and provisions of the Alaska Water Quality Standards, the Department of Environmental Conservation (DEC) is reissuing the enclosed Certificate of Reasonable Assurance for placement of dredged and/or fill material in waters of the U.S., including wetlands and streams, associated with the Regional General Permit (RGP) 2006-215-M4 for construction and maintenance activities at the Wrangell Industrial Park Subdivision.

DEC regulations provide that any person who disagrees with this decision may request an informal review by the Division Director in accordance with 18 AAC 15.185 or an adjudicatory hearing in accordance with 18 AAC 15.195 – 18 AAC 15.340. An informal review request must be delivered to the Director, Division of Water, 555 Cordova Street, Anchorage, AK 99501, within 20 days of the permit decision. Visit <http://dec.alaska.gov/commish/Review-Guidance/> for information on Administrative Appeals of Department decisions.

An adjudicatory hearing request must be delivered to the Commissioner of the Department of Environmental Conservation, 410 Willoughby Avenue, Suite 303, PO Box 111800, Juneau, AK 99811-1800, within 30 days of the permit decision. If a hearing is not requested within 30 days, the right to appeal is waived.

By copy of this letter we are advising the U.S. Army Corps of Engineers of our actions and enclosing a copy of the certification for their use.

Sincerely,


James Rypkema

Program Manager, Storm Water and Wetlands

Enclosure: 401 Certificate of Reasonable Assurance

cc: (with encl.)
Michael Gala, USACE, Anchorage
Kate Kanouse, ADF&G

USFWS Field Office Juneau
Matt LaCroix, EPA Operations, Anchorage

STATE OF ALASKA
DEPARTMENT OF ENVIRONMENTAL CONSERVATION
CERTIFICATE OF REASONABLE ASSURANCE

In accordance with Section 401 of the Federal Clean Water Act (CWA) and the Alaska Water Quality Standards (18 AAC 70), a Certificate of Reasonable Assurance, is reissued to USACE, Alaska District, Attention: Ms. Shannon Johnson, South Branch Chief, at P.O. Box 6898, JBER, AK 99506, for placement of dredged and/or fill material in waters of the U.S. including wetlands and streams in association with the Regional General Permit (RGP) 2006-215-M4 for construction and maintenance activities at the Wrangell Industrial Park Subdivision.

General permits (GPs) are intended to streamline the authorization process for activities that will result in no more than minimal individual and cumulative adverse environmental effects, thereby expediting the Corps review process while also increasing clarity and certainty for the regulated public. GPs provide an incentive for project proponents to minimize project impacts to jurisdictional waters and wetlands to qualify for the more readily obtained GP authorization. By encouraging avoidance and minimization by offering a streamlined permitting process for project proposals with minimal impacts, GPs are an important tool in protecting the aquatic environment.

Development in the Wrangell Industrial Park Subdivision began in 1997 by issuance of a Department of Army (DA) standard permit to the City of Wrangell, which authorized infrastructure as well as road construction and utility work. An RGP was subsequently developed and issued on December 10, 1998, with four versions having since been reauthorized. Compensatory wetland mitigation efforts for the initial 1997 development and subsequent RPGs resulted in creation of a "Restrictive Covenant" with the intent of preserving certain wetland areas in perpetuity. The compensatory mitigation areas include 7.13 acres where no development would be allowed, and 9.99 acres of mitigation land that would allow underground utilities to be installed with the intent of only temporary construction impacts.

This GP authorizes the placement of dredged and/or fill material, and structures, into wetlands associated with industrial development in the Wrangell Industrial Park Subdivision. Authorized activities include foundation pads, associated driveways, parking areas, and lot utilities.

This RGP does not authorize any activities in the areas subject to the Wrangell Industrial Park Restrictive Covenant. This restrictive covenant is depicted on Enclosure 2 as "Areas Excluded from RGP", and described as follows: Mission Street right-of-way between Second Avenue and Sixth Avenue; the platted green belt along Second Avenue between Mission Street and St. Michael's street; Lots 1 and 2, Block 63A; Lots 1, 2, 9, 10, Block 63B; Lots 1, 2, 9, 10 Block 64; Lots 1, 2, 9, 10 Block 65; Lots 1, 2, 14, 15, Block 66; a portion of Howell Avenue, Third Avenue, Fourth Avenue and Fifth Avenue just east of Mission Street adjacent to the preceding lots described above; Lots 6B, 7B, 8B, Block 64; Lot 3A, Block 61; Fourth Avenue right-of-way between St. Michael's Street and Bennett Street right-of-ways.

Notwithstanding, RGP-02 may authorize discharges of dredged material associated with the placement of utilities in road right-of-ways, provided the affected wetlands be restored in accordance with all applicable general permit conditions. Activities that are denied any required local, state or federal authorization are not authorized by this RGP. Activities that the Corps determines may result in more than minimal adverse impacts on aquatic resources or other public interest factors. The District will

notify the applicant that the project does not qualify for the RGP and instruct the applicant on the procedures to seek authorization under a standard DA permit.

A state issued water quality certification is required under Section 401 because the proposed activity will be authorized by a U.S. Army Corps of Engineers permit (POA-2006-215-M4) and a discharge of pollutants to waters of the U.S. located in the State of Alaska may result from the proposed activity. Public notice of the application for this certification was given as required by 18 AAC 15.180 in the Corps Public Notice POA-2006-215-M4 posted from December 29, 2017 to January 28, 2018.

The General Permit area includes the following lots within the Wrangell Industrial Park Subdivision: Block(s) 60 (Lot 5), 61 (Lots 7A, 8A, 9), 63B (Lot 8), 64 (Lots 3, 7A, 8A), 65 (Lots 3, 4), and 66 (Lots 7, 8, 9-13).


The Department of Environmental Conservation (DEC) reviewed the application and certifies that there is reasonable assurance that the proposed activity, as well as any discharge which may result, will comply with applicable provisions of Section 401 of the CWA and the Alaska Water Quality Standards, 18 AAC 70, provided that the following additional measures are adhered to:

1. Reasonable precautions and controls must be used to prevent incidental and accidental discharge of petroleum products or other hazardous substances. Fuel storage and handling activities for equipment must be sited and conducted so there is no petroleum contamination of the ground, subsurface, or surface waterbodies.
2. During construction, spill response equipment and supplies such as sorbent pads shall be available and used immediately to contain and cleanup oil, fuel, hydraulic fluid, antifreeze, or other pollutant spills. Any spill amount must be reported in accordance with Discharge Notification and Reporting Requirements (AS 46.03.755 and 18 AAC 75 Article 3). The applicant must contact by telephone the DEC Area Response Team for Southeast Alaska (907) 465-5340 during work hours or 1-800-478-9300 after hours. Also, the applicant must contact by telephone the National Response Center at 1-800-424-8802.
3. Runoff discharged to surface water (including wetlands) from a construction site disturbing one or more acres must be covered under Alaska's General Permit for Storm Water Discharges from Large and Small Construction Activities in Alaska (AKR100000). This permit requires a Storm Water Pollution Prevention Plan (SWPPP). For projects that disturb more than five acres, this SWPPP must also be submitted to DEC (William Ashton, 907-269-6283) prior to construction.
4. Construction equipment shall not be operated below the ordinary high water mark if equipment is leaking fuel, oil, hydraulic fluid, or any other hazardous material. Equipment shall be inspected on a daily basis for leaks. If leaks are found, the equipment shall not be used and pulled from service until the leak is repaired.
5. All work areas, material access routes, and surrounding wetlands involved in the construction project shall be clearly delineated and marked in such a way that equipment operators do not operate outside of the marked areas.
6. Natural drainage patterns shall be maintained, to the extent practicable, without introducing ponding or drying.

7. Excavated or fill material, including overburden, shall be placed so that it is stable, meaning after placement the material does not show signs of excessive erosion. Indicators of excess erosion include: gullying, head cutting, caving, block slippage, material sloughing, etc. The material must be contained with siltation best management practices (BMPs) to preclude reentry into any waters of the U.S., which includes wetlands.
8. Fill material (including dredge material) must be clean sand, gravel or rock, free from petroleum products and toxic contaminants in toxic amounts.
9. Any disturbed ground and exposed soil not covered with fill must be stabilized and re-vegetated with endemic species, grasses, or other suitable vegetation in an appropriate manner to minimize erosion and sedimentation, so that a durable vegetative cover is established in a timely manner.

This certification expires five (5) years after the date the certification is signed. If your project is not completed by then and work under U.S. Army Corps of Engineers Permit will continue, you must submit an application for renewal of this certification no later than 30 days before the expiration date (18 AAC 15.100).

Date: May 9, 2019


James Rypkema, Program Manager
Storm Water and Wetlands