



THE STATE  
of **ALASKA**  
GOVERNOR MIKE DUNLEAVY

**Department of Environmental  
Conservation**

**DIVISION OF WATER**  
Wastewater Discharge Authorization Program

555 Cordova Street  
Anchorage, Alaska 99501-2617  
Main: 907.269.6285  
Fax: 907.334.2415  
[www.dec.alaska.gov/water/wwdp](http://www.dec.alaska.gov/water/wwdp)

October 30, 2020

US Army Corps of Engineers, Alaska District  
Attn: Colonel Phillip J. Borders  
P.O. Box 6898  
JBER, Alaska 99506-0898

Re: General Permit – Mechanical Placer Mining Activities within the State of Alaska  
POA-2014-055-M1 (RGP-08), Statewide Waters

Dear Colonel Borders:


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 placer mining activities within the State of Alaska.

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, PO Box 111800, Juneau, AK 99811-1800; Location: 410 Willoughby Avenue, Suite 303, Juneau 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.)

Jason Brewer, USACE, Anchorage  
Nicholas Lucore, USACE, Anchorage

Audra Brase, ADF&G/Habitat, Fairbanks  
Fairbanks USFWS Field Office  
Matt LaCroix, EPA, AK Operations

**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 issued to the US Army Corps of Engineers, Alaska District (Attn: Colonel Phillip J. Borders) at P.O. Box 6898, JBER, Alaska 99506-0898 for placement of dredged and/or fill material in waters of the U.S. including wetlands and streams in association with placer mining activities within the State of Alaska.

The General Permit (GP) authorizes miners to place dredged and/or fill material into waters of the U.S., including wetlands and streams, for the purpose of mechanical placer mining within the State of Alaska, under certain terms and conditions. The GP authorizes up to five acres of wetland/water disturbance at any time and up to 1,500 linear feet of stream diversion or relocation in a year, unless waived by the Corps of Engineers.

**Changes from the previous GP:** The GP includes the following changes from the previous GP (POA-2014-055) issued in 2016:

- Now includes waiver process for 1,500-foot limit on stream diversions/relocations
- Now excludes work in and/or affecting anadromous streams
- Now excludes operations in Alaska Department of Environmental Conservation (ADEC) Impaired Waters (Categories 4a, 4b, and 5)
- Now excludes provision for default permit authorization

**Activities covered by the GP:** The GP covers the following mechanical placer mining activities that involve placement of dredged and/or fill material into waters of the United States:

- Mechanized land clearing, construction of berms or dams, stockpiles
- Stream relocations (permanent), stream diversions (temporary)
- New mine features constructed in wetlands, such as airstrips, camps, roads within the mining operation, and culverted crossings of streams or wetland areas
- Permanent access roads and road extensions outside the mining operation
- Reclamation activities
- Exploration activities for placer mining, such as sidecast or discharge of dredged and/or fill material for exploratory drill pads, trenches, holes, and bulk samples

**Activities excluded from the GP:** The GP excludes the following:

- Activities in or affecting anadromous fish streams
- Operations in ADEC Impaired Waters (Categories 4a, 4b, and 5)
- Temporary mining roads for the purpose of moving mining equipment, where such roads are constructed and maintained in accordance with best management practices (BMPs), are exempt from the CWA (33 CFR 323.4 (a)(6)). A temporary road has a limit of three (3) years
- Recreational Mining: use of hand tools such as a pick, shovel, pan, and/or rocker box do not require Department of the Army (DA) permit issued by the Corps authorization. Addressed in Special Public Notice 94-10, September 13, 1994

- Commercial Gravel Operations located at a placer mining site, but operated for the sole purpose of gravel sales
- Suction dredge mining: use of suction device to remove bottom substrate from a water body and then discharge the material from a sluice box for the purpose of extracting gold or other precious metals
- Mining/working in Navigable Waters of the United States
- Hard Rock or Coal Mining: process of removing metals or elements within rock

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, General Permit (GP) POA-2014-00055-M1 (RGP-08) for Mechanical Placer Mining Activities in the State of Alaska, under Section 404 of the Clean Water Act (CWA) 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-2014-055-M1 (RGP-08) posted from April 9 to May 11, 2020. The proposed activity is located throughout the State of Alaska.

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.

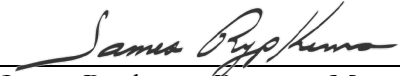
1. Reasonable precautions and controls must be used to prevent incidental and accidental discharge of petroleum products or other hazardous substances. Fuel storage and handling activities for equipment must be sited and conducted so there is no petroleum contamination of the ground, subsurface, or surface 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 Central Alaska at (907) 269-3063, Northern Alaska at (907) 451-2121, 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. 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 for leaks and recorded in a log daily. If leaks are found, the equipment shall not be used and pulled from service until the leak is repaired.
4. 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.
5. 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: gullyng, 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.

6. Include the following BMPs to handle storm water and total storm water volume discharges as they apply to the site:
  - a. Divert storm water from off-site around the site so that it does not flow onto the project site and cause erosion of exposed soils;
  - b. Slow down or contain storm water that may collect and concentrate within a site and cause erosion of exposed soils;
  - c. Place velocity dissipation devices (e.g., check dams, sediment traps, or riprap) along the length of any conveyance channel to provide a non-erosive flow velocity. Also place velocity dissipation devices where discharges from the conveyance channel or structure join a water course to prevent erosion and to protect the channel embankment, outlet, adjacent stream bank slopes, and downstream waters.
7. Fill material (including dredge material) must be clean sand, gravel or rock, free from petroleum products and toxic contaminants in toxic amounts.
8. 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.
9. Operational Best Management Practices for Placer Mining:
  - a. The flow of surface waters into the plant site shall be interrupted and these waters diverted around and away from incursion into the site.
  - b. Drainage waters within the plant site must be collected in treatment ponds or otherwise prevented from discharging pollutants into waters of the U.S.
  - c. Berms, including any pond walls, dikes, low dams, and similar water retention structures shall be constructed in a manner such that they are reasonably expected to reject the passage of water.
  - d. Measures shall be taken to assure that pollutant materials from disturbed areas will be retained in storage areas and not discharged or released to the waters of the U.S.
  - e. Discharges must be managed to prevent resuspension of sediments, excessive erosion of the streambank or streambed, or downstream flooding.
  - f. The permittee shall take whatever reasonable steps are appropriate to ensure that, after the mining season, all unreclaimed mine areas, including ponds, are in a condition that will not cause degradation to the receiving waters over those resulting from natural causes.
  - g. Petroleum products must be properly managed during storage, refueling, and operation to prevent spillage into surface waters or groundwater. Any spills must be cleaned up using materials, such as sorbent pads and booms, and reported.

10. Other Considerations:

- a. All solid waste and foreign debris must be eliminated by removal to an off-site DEC-approved facility or by burning (if a paper product). Waste, in this paragraph means all discarded matter, including, but not limited to: human waste, trash, garbage, litter, oil drums, petroleum, ashes and discarded equipment. Hazardous waste must not be disposed of on-site, but instead must be hauled out for disposal in a DEC-approved disposal site.
  - b. All greywater and human waste must be disposed of in a pit, or containment (port-a-potty) that can be transported to allow for disposal at a DEC-approved disposal site. If a pit is used, it must be located at least 100 feet from the ordinary high-water mark of the nearest surface waterbody and four (4) feet above the high groundwater table, and back-filled prior to leaving the site. Prior to installing a septic system check with the DEC office in Fairbanks (Tonya Bear, 907-451-2177, [Tonya.Bear@alaska.gov](mailto:Tonya.Bear@alaska.gov); or 907-451-2109, <http://dec.alaska.gov/water/wastewater/engineering/> for plan review requirements.
  - c. If activity includes discharges of process wastewater, dewatering water, or drainage waters from open-cut mines or mechanical dredges, permittees shall obtain additional discharge coverage from an appropriate Alaska Pollutant Discharge Elimination System (APDES) permit. For further information, contact the DEC Mining Section (Nick Dallman, 907-451-2142, [Nick.Dallman@alaska.gov](mailto:Nick.Dallman@alaska.gov), or <http://dec.alaska.gov/water/wastewater/mining/>.
11. For further information on impaired waters and the most current approved 303(d) Listed Waterbodies see: <http://dec.alaska.gov/water/water-quality/impaired-waters/>
12. Operators shall consult the Alaska Department of Fish and Game (ADFG) or the state [Anadromous Waters Catalog](#) to determine fish status and appropriate riparian area width for streams at the site.

Date: October 30, 2020

  
\_\_\_\_\_  
James Rypkema, Program Manager  
Storm Water and Wetlands