



THE STATE
of **ALASKA**
GOVERNOR MICHAEL J. 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

June 12, 2019

United States Army Corps of Engineers (USACE)
Alaska District, Regulatory Division
Attention: Colonel Phillip J. Borders
P.O. Box 6898
JBER, Alaska 99506-0898

Re: USACE, Rural Development Regional General Permit Reissuance
POA-2007-541-M2 (RGP-07), 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 the construction and/or expansion of residential and community developments throughout Alaska, except for specifically excluded areas.

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,

A handwritten signature in black ink that reads "James Rypkema".

James Rypkema
Program Manager, Storm Water and Wetlands

Enclosure: 401 Certificate of Reasonable Assurance

cc: (with encl.)

Michael Gala, USACE, Anchorage
Megan Marie, ADF&G/Habitat, Anchorage

Anchorage 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 reissued to USACE Alaska District, Regulatory Division, Attention: 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 the construction and/or expansion of residential and community developments throughout Alaska, except for specifically excluded areas.

The purpose of Regional General Permit (RGP) was to streamline the permitting process and expedite rural development throughout Alaska. The RGP was originally issued in 2007 and was reissued for an additional five years in 2012, expiring on December 31, 2017. The USACE issued two time extensions that extended the permit to May 1, 2019. This reissuance will be effective for five years and will be renamed RGP-07 (POA-2007-541-M2). The activities intended for re-authorization under this RGP are essentially the same, with the following changes:

- General and Special Conditions were updated to be consistent with the 2017 Nationwide Permit reissuance;
- Limitations were updated;
- Application form was updated; and
- Removed Part II: Private Residential Subdivision Developments, throughout the State of Alaska from the RGP authorization.

The RGP defines residential and community developments as residential housing and community infrastructure such as schools, daycare and eldercare centers, utility buildings, health clinics, multi-use centers, water and wastewater treatment facilities, and ancillary driveways, utilities, yards, and access roads associated with these developments. The RGP also authorizes mechanized land clearing and other activities that will result in a re-deposition of dredged material into waters of the U.S. The RGP does not authorize any single and complete project that would exceed 5 acres of permanent loss of waters of the U.S. Single and complete non-linear projects may not be "piecemealed" to avoid the limits in a general permit authorization.

The RGP excludes the following:

- Those areas within the city and municipal boundary limits of Anchorage, Palmer, Wasilla, Fairbanks, Juneau/Douglas, Homer, Seward, Kenai, Soldotna, Bethel, Nome and the coastal boundary of the Aleutians West Coastal Resource Service Area. The Aleutians West Coastal Resource Service area extends from Unalga Pass in the east to Attu Island in the west, encompassing all land and water areas to the three-mile offshore territorial limit. This includes the communities of Unalaska, Atka, and Nikolski, but does not include Adak Island;
- Discharges of dredged and/or fill material may into:
 - a) any non-tidal open waterbody (i.e. streams, rivers, ponds, lakes) (except for the construction of linear projects (utilities, roads, etc.);

- b) permanently flooded wetlands (except for the construction of linear projects (utilities, roads, etc.);
 - c) any tidal waters; or
 - d) any wetlands within 300 feet of any waters of the U.S. listed in a thru c above;
- Activities denied any required local, State or Federal authorization is not authorized by the 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 Department of the Army (DA) permit. The District may also, on a case-by-case basis, require a standard DA permit for unauthorized activities;
 - Discharges of dredged and/or fill material into waters of the U.S. for the construction of power generation plants, fuel storage areas, material barrow sites, work associated with the gas and oil industry, or any project involving the use or storage of hazardous wastes or hazardous substances as part of its principal purpose; and
 - Discharges within any state-designated Critical Habitat Areas, Game Refuges and Sanctuaries, and habitat areas identified as important by the Alaska Department of Fish and Game unless the activity is specifically authorized by the agency with jurisdiction over these lands.

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-2007-541-M2) 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-2007-541-M2 posted from May 3 to June 3, 2019.

The RGP authorizes activities throughout the state of Alaska, except for the specifically excluded areas listed above.

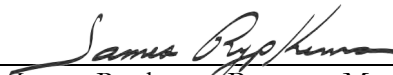
The Department of Environmental Conservation (DEC) reviewed the application and certifies that there is reasonable assurance that the proposed activity, as well as any discharge which may result, will comply with applicable provisions of Section 401 of the CWA and the Alaska Water Quality Standards, 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. 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. During the work on the culverts and bridges, 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 and recorded in a log 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. During construction through project completion, project best management practices must be utilized that ensure that construction fill and sediments are restricted to project footprint.
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.

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: June 12, 2019



James Rypkema, Program Manager
Storm Water and Wetlands