

401/404 Certifications

{ Common questions...

404 Compliance Forms

{ What do they mean? When is
further action required?

No PCN
Required



PUSHMATAHA COUNTY
DIVISION 2

J/P: 26233(04)
SSP-164B(146)SS

US 271
BRIDGE REPLACEMENT
OVER HARDY CREEK

U.S. ARMY CORPS OF ENGINEERS

O.D.O.T. NO PRECONSTRUCTION NOTICE
REQUIRED PERMIT

DATE OF AUTHORIZATION: **July 13, 2011**
DATE OF EXPIRATION: **March 18, 2012**

INDEX OF ATTACHMENTS

Nationwide Permit - NWP 14
Section 401 Clean Water Act
Water Quality Certification
Tulsa District Regional Conditions

PCN Required

- Action required from the Residency.



**CLEVELAND COUNTY
DIVISION 3**

J/P: 30303(07)

**I-44 AND ABANDONED
SUPERSTRUCTURE REPAIR OF I-44 AND
REMOVAL OF ABANDONED PIERS**

U.S. ARMY CORPS OF ENGINEERS

IDENTIFICATION NUMBER: SWT-2013-359

NATIONWIDE PERMIT 14

LINEAR TRANSPORTATION PROJECTS

PRE-CONSTRUCTION NOTICE REQUIRED PERMIT

DATE OF AUTHORIZATION: **July 2, 2013**

DATE OF EXPIRATION: **March 18, 2017**

INDEX OF ATTACHMENTS

Permittee Compliance Certification

Permittee Construction Schedule Worksheet

Nationwide Permit 14 General Conditions

Section 401 Clean Water Act

Water Quality Certification

Tulsa District Regional Conditions



DEPARTMENT OF THE ARMY
CORPS OF ENGINEERS, TULSA DISTRICT
1646 SOUTH 101ST EAST AVENUE
TULSA, OKLAHOMA 74128-4609

May 29, 2013

Regulatory Office

Mr. Gregory D. Allen, PE
Engineering Assistant to the Chief Engineer
Oklahoma Department of Transportation
200 N.E. 21st Street
Oklahoma City, Oklahoma 73105-3204

Dear Mr. Allen:

Please reference the e-mail received May 24, 2013, concerning the proposed emergency removal of the old US 62 Parker through truss bridge adjacent to I-44 (JP 30303-04) and the contractor's intended sequence of removal. The project is located in the Northwest ¼ of Section 35, Township 10 North, Range 4 West, McClain County, Oklahoma. We have reviewed the submitted data relative to Section 404 of the Clean Water Act.

Placement of dredged or fill material in the Canadian River associated with the proposed project falls within the scope of the Nationwide Permit (NWP) for Maintenance, provided you accept the obligations and requirements of the NWP and Activity-Specific Conditions listed below. Please sign and return the enclosed PERMITTEE CONSTRUCTION SCHEDULE (PCS). The NWP permit will be valid when the signed PCS is returned to this Office. If you do not agree to the terms and conditions of this NWP, you have the option to apply for an individual permit for your proposed activity.

The following Activity-Specific Conditions have been incorporated into this permit to ensure the activity does not have more than minimal individual or cumulative adverse effects on the environment:

- a. You shall comply with the ODOT proposal to SHPO dated May 23, 2013, attached as enclosure 1.
- b. You shall comply with the United States Fish and Wildlife Service Endangered Species Act consultation conditions described in the e-mail dated May 28, 2013, attached as enclosure 2.

You are directed to place close attention to the following General Conditions of the NWP:

2. Aquatic Life Movements.
3. Spawning Areas.
12. Soil Erosion and Sediment Controls.
13. Removal of Temporary Fills.
30. Compliance Certification.

In reviewing this proposed activity, it has been determined that the proposed action is not likely to jeopardize the interior least tern or the Arkansas River shiner and will not result in adverse modification to Arkansas River shiner designated critical habitat.

One other place
where you are
notified that a
PCN is
required.

Forms you must
complete and send to
the USACE.

PERMITTEE CONSTRUCTION SCHEDULE WORKSHEET

* MAIL TO ADDRESS ON REVERSE WITHIN 30 DAYS OF THE AWARD DATE

PERMIT NO.:

USACE PROJECT MANAGER:

PERMITTEE NAME: Oklahoma Department of Transportation

DATE OF ISSUANCE:

-----(fold here so that address shows on outside)-----

Please provide the following information:

→ Anticipated/Known Construction Start Date: _____

→ Anticipated Completion Date: _____

I have read and understand the obligations and requirements of this authorization.

→ _____
Oklahoma Dept. of Transportation DATE

-----(fold here and tape closed)-----

(FOR AGENCY USE ONLY - DO NOT WRITE BELOW THIS LINE)

RECEIVED IN CESWT-RO: _____

INSPECTION NEEDED: Y / N

CONSTRUCTION INSPECTION SCHEDULED: _____

FINAL INSPECTION SCHEDULED: _____
_____ County

You complete
these areas.

PERMITTEE COMPLIANCE CERTIFICATION

Upon completion of the activity authorized by this permit and any mitigation required by this permit, sign and complete this certification form and return it to the address on the reverse side "within 30 days" of completion of the work.

PERMIT NO.: SWT-2013-359

PERMITTEE NAME: Oklahoma Department of Transportation

DATE OF ISSUANCE: 29 May 2013

----- (fold here so that address shows on outside) -----

(Please note that your permitted activity is subject to a compliance inspection by an U.S. Army Corps of Engineers representative. If you fail to comply with this permit you are subject to permit suspension, modification, or revocation.)

I hereby certify that the work authorized by the above referenced permit has been completed in accordance with the terms and conditions of the said permit, and required mitigation was completed in accordance with the permit conditions.

Oklahoma Department of Transportation

DATE

DATE WORK COMPLETED: _____

----- (fold here and tape closed) -----

(FOR AGENCY USE ONLY - DO NOT WRITE BELOW THIS LINE)

PROGRAM MANAGER: Shane Charlson

RECEIVED IN CESWT-RO: _____

INSPECTION NEEDED: Y / N

FINAL INSPECTION SCHEDULED: _____

You complete these areas.



Who signs the Forms?

- ODOT's representative should sign the form.
- Typically, they should be signed by the Resident Engineer.



Mail forms within 30 days
of the job being awarded.

Include estimated
construction start date.

401 Certifications

{ The opportunity for ODEQ to comment which may trigger additional requirements for the contractor during construction.



STEVEN A. THOMPSON
Executive Director

OKLAHOMA DEPARTMENT OF ENVIRONMENTAL QUALITY

MARY FALLIN
Governor

April 9, 2012

Mr. Andrew R. Commer
Chief, Regulatory Office
U.S. Army Corps of Engineers, Tulsa District
1645 South 101st East Avenue
Tulsa, OK 74128-4609

Re: Water Quality Certification for Nationwide Permits

Dear Mr. Commer:

We have received your request for a Water Quality Certification under Section 401 of the Federal Water Pollution Control Act (Public Law (P.L.) 92-500), as amended by the Clean Water Act of 1977 (P.L. 95-217), for activities to be permitted under the Nation Wide Permits issued pursuant to Section 404 of the Act with an effective date of March 19, 2012. The Department of Environmental Quality rules governing 401 Certification are contained in Oklahoma Administrative Code (OAC) 252:611-3-1 through 252:611-3-6 pursuant to 27A Oklahoma Statue, Section 2-6-103(C)(2). For copies of the Department's rules and regulations related to the 401 procedures, please contact the Customer Assistance Division at (405) 702-6100.

This Water Quality Certification supersedes all previous Water Quality Certifications for the Nationwide Permits in the State of Oklahoma.

The DEQ requests that all Pre-Construction Notifications (PCN) and information pertaining to any project, regardless of size, located within any designated Critical Resource Water which is proposed to be authorized under NWP 20 be provided to the DEQ. Additionally, the DEQ requests the opportunity to review and comment on these proposed actions following the time frames specified in the NWP General Condition 31. The DEQ will expedite the review and notification process when practicable. This request is not a condition of certification.

Water Quality Certification for Nationwide Permits 3, 13, 18, 41, 45, 46, 51 and 52 is denied for all activities located within any designated Critical Resource Water.

Water Quality Certification for Nationwide Permits 49 and 50 are denied for all activities in all watersheds of Oklahoma. We are concerned that use of these permits could lead to more than minimal impacts on waters of the State.

For Nationwide Permit 16, discharges associated with Upland Contained Disposal Areas, the certification is conditioned as follows: the discharge shall not contain a Total Suspended Solids (TSS) concentration of greater than 45 mg/L daily maximum and shall maintain a pH between 6.5 and 9.0. The TSS daily maximum shall be monitored by grab sample collected at least once a year during discharge. The limits and monitoring may be waived on a site-specific basis through implementation of a DEQ approved set of BMPs. The BMPs shall be submitted to the DEQ, approved, and implemented before commencing any discharge.

The DEQ acknowledges that the potential to use NWP 34 or 48 in Oklahoma is not likely. However, for administrative clarity the Water Quality Certification is denied for NWP 34 and 48.



U.S. Army Corps of Engineers
Nationwide Permits
April 9, 2012
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Subject to the exceptions noted above, the DEQ grants Clean Water Act 401 Water Quality Certification for the Corps of Engineers Nationwide Permits subject to the following conditions:

1. All spills of fuel or other pollutants in excess of five gallons shall be reported to the DEQ, within twenty-four (24) hours, to the pollution prevention hotline at 1-800-522-0206.
2. All fueling and servicing of vehicles and equipment shall be done above the Ordinary High Water Mark (OHWM).
3. The permittee shall provide access to the property for DEQ inspection purposes.
4. Any material and fuels used in the project shall be stored and/or stockpiled above the Ordinary High Water Mark (OHWM) and shall be removed from a likely flood zone prior to any predicted flood.
5. If a stormwater discharge permit for construction activities is required, one can be obtained from the DEQ at (405) 702-8100.
6. If the project is located on or may affect water impaired for turbidity and/or sediment, Best Management Practices and other controls shall be selected and implemented in order to control soil erosion and maintain compliance with Water Quality Standards (Oklahoma Administrative Code, Chapter 45). The permittee shall maintain sufficient records to document the type of practices implemented to maintain compliance with this condition, during the term of the permit. A copy of the current EPA-approved list of impaired waters (303(d) list) can be viewed at http://www.deq.state.ok.us/wqdnw/305b_303d/index.html
7. For any project involving bank stabilization, the permittee shall consider installing bioengineering practices in lieu of structural practices (riprap) to minimize impacts to the aquatic resource and enhance aquatic habitat.

If you have any questions regarding this Certification, please contact Elena Jigoulina at 405-702-8200.

Sincerely,

Mark Derichsweiler, P.E.
Engineering Manager
Watershed Planning and Storm Water Permitting Section
Water Quality Division, DEQ

SCM/WTC/TW/MD/ED/EJ

cc: Michael Ware, Regulatory Branch, U.S. Corps of Engineers, Tulsa
Director, Oklahoma Department of Wildlife Conservation
Director, U.S. Fish and Wildlife Service, Tulsa
Regional Administrator, EPA Region 6 (6E-FT)
Tom Bates, Public Protection Unit Chief, Attorney General of Oklahoma
Mike Thralls, Oklahoma Conservation Commission
Derek Smithee, Oklahoma Water Resources Board, Water Quality Programs Division
Ed Fite, Administrator, Oklahoma Scenic Rivers Commission

Section 401 Water Quality Certification for 404 Nationwide Permits (NWP's).

Five Std. conditions for all NWP's:

- Report spills of fuel & other pollutants of 5 gals. or more to DEQ within 24 hours 800-522-0206
- ALL fueling and servicing to be done above the Ordinary High Watermark (OHWM)
- Provide DEQ access for inspection
- Materials, fuel stored above OHWM and moved prior to flooding
- If required, DEQ Storm Water Permit coverage

Nationwide Permit 14 Construction Conditions

- Suitable Material. No activity may use unsuitable material (e.g., trash, debris, car bodies, asphalt, etc.). Material used for construction or discharged must be free from toxic pollutants in toxic amounts (see Section 307 of the Clean Water Act).
- Adverse Effects From Impoundments. If the activity creates an impoundment of water, adverse effects to the aquatic system due to accelerating the passage of water, and/or restricting its flow must be minimized to the maximum extent practicable.
- Management of Water Flows. To the maximum extent practicable, the pre-construction course, condition, capacity, and location of open waters must be maintained for each activity, including stream channelization and storm water management activities, except as provided below. The activity must be constructed to withstand expected high flows. The activity must not restrict or impede the passage of normal or high flows, unless the primary purpose of the activity is to impound water or manage high flows. The activity may alter the pre-construction course, condition, capacity, and location of open waters if it benefits the aquatic environment (e.g., stream restoration or relocation activities).
- Soil Erosion and Sediment Controls. Appropriate soil erosion and sediment controls must be used and maintained in effective operating condition during construction, and all exposed soil and other fills, as well as any work below the ordinary high water mark or high tide line, must be permanently stabilized at the earliest practicable date. Permittees are encouraged to perform work within waters of the United States during periods of low-flow or no-flow.
- Removal of Temporary Fills. Temporary fills must be removed in their entirety and the affected areas returned to preconstruction elevations. The affected areas must be revegetated, as appropriate.