

# Request for Comments

## Proposed 401 Water Quality Certification for US Army Corps of Engineers 2012 Nationwide Permit Program



State of Oregon  
Department of  
Environmental  
Quality

The purpose of this notice is to invite you to provide written comments pertaining to concerns about water quality impacts which may result from this proposed reissuance of Nationwide Permits.

### DEQ's Role:

The Oregon Department of Environmental Quality (DEQ) is the regulatory agency that helps protect and preserve Oregon's environment. DEQ is responsible for protecting and enhancing Oregon's water and air quality, for cleaning up spills and releases of hazardous materials, and for managing the proper disposal of hazardous and solid wastes. One way that DEQ protects Oregon's water quality is by issuing Section 401 certifications. Section 401 of the federal Clean Water Act requires federal agencies to obtain a water quality certification from the State of Oregon if their proposed activities may result in a discharge to surface waters. The certification states that the discharge will comply with applicable sections of the Clean Water Act, state water quality standards, and other related requirements of state law.

### Comments due:

Written comments due:  
5 p.m. on February 14, 2012

### Where can I send my comments?

DEQ accepts comments by mail, fax and e-mail.

401 Public Comments  
Oregon Department of Environmental Quality  
Northwest Region  
2020 SW 4<sup>th</sup> Avenue, Suite 400  
Portland, Oregon 97201

**Fax:** 503-229-6957

**E-mail:** 401publiccomments@deq.state.or.us

### Where can I get technical information?

Pete Anderson  
401 Water Quality Certification Coordinator  
Department of Environmental Quality  
Northwest Region  
2020 SW 4th Avenue, Suite 400  
Portland, OR 97201

503 229-6030  
503 229-6957 (fax)

anderson.peter@deq.state.or.us

### Where can I get background information?

The proposed Nationwide Permits and USACE prepared National Environmental Policy Act decision documents are available for viewing on the internet at [www.regulations.gov](http://www.regulations.gov), docket number COE-2010-0035. USACE Portland District Regional Conditions are available for viewing under "All other notices and permits" at: <http://www.nwp.usace.army.mil/regulatory/home.asp>.

Follow the link to view the proposed 401 Water Quality Certification with DEQ's evaluation and findings included. The document will be finalized in consideration of all comments received.

[Certification](#)

You can review all related documents in the file at the Northwest Region DEQ office in Portland. For a review appointment, call Marjorie Holland at 503 229-6826.

### What is proposed?

Reissuance of 48 categories of Nationwide Permits and 2 new categories.

Nationwide permits (NWP) are general permits issued on a nationwide basis to streamline the authorization of activities that result in minimal individual and cumulative adverse effects on the aquatic environment. Many of the proposed NWP require notification to the district engineer

**Northwest Region  
401 Water Quality  
Certification program**  
2020 SW 4<sup>th</sup> Avenue  
Portland, OR 97201  
Phone: (503) 229-5263  
(800) 452-4011  
Fax: (503) 229-5850  
Contact: Pete Anderson

[www.oregon.gov/DEQ](http://www.oregon.gov/DEQ)

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Please include your full name, e-mail address and mailing address so that we can purge you from our print mailing list, thus saving trees and taxpayer dollars.

before commencing the work to ensure the activities authorized by those NWP's have minimal individual and cumulative adverse impacts on the aquatic environment.

The USACE Portland District has proposed Regional Conditions that will further limit potential adverse impacts to the aquatic environment in Oregon.

Provided USACE Portland District receives 401 Water Quality Certification from DEQ and Coastal Zone Management Act consistency determination from Department of Land Conservation and Development, the final NWP's will go into effect on or before March 19, 2012.

### **Certification duration**

The proposed 401 Water Quality Certification would be effective for five years.

### **Who is the applicant?**

US Army Corps of Engineers  
Attn: CENWP-PM-E  
P.O. Box 2946  
Portland, Oregon 97208-2946

Attn: Michele Hanson

### **Who might have an interest?**

People who work, live, and recreate in Oregon.

### **What does the proposal do that affects water quality?**

Please follow the link above to view DEQ's evaluation and findings on potential affects to water quality.

### **What legal requirements apply?**

Federal Clean Water Act  
Oregon Revised Statutes (ORS) 468B and  
Oregon Administrative Rules (OAR) Chapter  
340 Division 48.

### **What happens next?**

DEQ will review and consider all comments received during the public comment period. Following this review, the certification may be issued as proposed, modified, or denied. You will be notified of DEQ's final decision if you present written comments during the comment period. Otherwise, if you wish to receive notification, contact DEQ at the above contact information.

### **Accessibility information**

DEQ is committed to accommodating people with disabilities. Please notify DEQ of any special physical or language accommodations or if you need information in large print, Braille or another format. To make these arrangements, contact DEQ Communications & Outreach (503) 229-5696 or toll free in Oregon at (800) 452-4011; fax to 503-229-6762; or e-mail to [deqinfo@deq.state.or.us](mailto:deqinfo@deq.state.or.us).

People with hearing impairments may call DEQ's TTY number, (503) 229-6993.

