



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION IX

**75 Hawthorne Street
San Francisco, CA 94105-3901**

OCT 01 2001

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Bruce Henderson
Venture Regulatory Field Office
Regulatory Branch, Los Angeles District
U.S. Army Corps of Engineers
2151 Alessandro Drive, Suite 255
Ventura, California 93001

Subject: Water Quality Certification for RPG-63 EPA No. 0115

Dear Mr. Henderson:

EPA received your request, dated March 7, 2001, for § 401 Clean Water Act (CWA) water quality certification for your Regional General Permit (RGP) for Repair and Protection Activities in Emergency Situations. The RGP will permit a multitude of activities, given that they are done pursuant to an emergency situation, as specified in the permit. The permit appears to be valid throughout the entirety of your District, in all regulated waters of the U.S. This certification applies to the use of this permit on tribal lands within the geographic boundaries of your District.

We have reviewed the material you have submitted, and understand that you request a CWA §401 water quality certification for the following activities:

Any and all discharges of dredged or fill material into waters of the U.S., as necessary for repair and protection measures associated with an emergency situation.

We hereby grant CWA § 401 Certification for your project, with the following conditions:

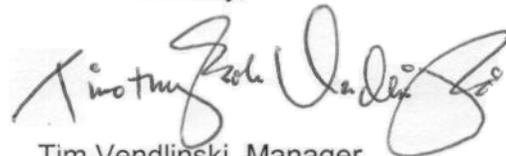
1. EPA shall be notified of the activity at the same time and in the same manner, that the Corps of Engineers is notified. Notification shall be specifically addressed "re: 401 Certification". A response from EPA is not needed to commence emergency work
2. No disposal of construction material, demolition wastes, wastewater, contaminated well water, or any other pollutant is authorized by this certification.
3. Construction and/or fill materials placed within the 100-year flood plain must be free of substances that can cause or contribute to the pollution of waters of the United States. The permittee shall take any necessary steps to ensure that contaminated materials are not used

for fill within the 100-year flood plain.

4. Pollution from the operation, repair, maintenance, and storage of equipment shall be removed from and properly disposed of outside the 100-year floodplain. Spills shall be cleaned up and properly disposed of outside of the 100-year floodplain.
5. The permittee shall take necessary steps to minimize channel and bank erosion within waters of the United States both during and after construction.
6. Within 10 days of the completion of the emergency work, the permittee shall submit to EPA a record of the work done, and a full discussion of how that work complied with the above five (5) conditions of this certification.

Failure to completely comply with the conditions of this certification may result in the imposition of further case-specific conditions, including mitigation and/or restoration. Should there be any questions regarding this certification please contact me at 415.744.2276.

Yours sincerely,



Tim Vendlinski, Manager
Wetlands, Regulatory Office, WTR-8

Federal, state and tribal entities within the states of California and Arizona have responsibilities to assess whether actions proposing discharges of dredged or fill material into waters of the U.S. are in compliance with applicable water quality standards pursuant to Section 401 of the Clean Water Act. The Arizona Department of Environmental Quality (ADEQ) issued a conditional Section 401 water quality certification for this RGP on August 26, 2003, and the California State Water Resources Control Board (SWRCB) issued a conditional Section 401 water quality certification for this RGP on October 14, 2003. The U. S. Environmental Protection Agency (EPA) confirmed by e-mail on September 3, 2003, that their original Section 401 conditional water quality certification for work on tribal lands issued on October 1, 2001, should be carried forward for the reauthorization of the RGP. The White Mountain Apache Tribe has not provided a Section 401 certification for their lands on the Fort Apache Reservation within 60 days, and pursuant to regulations at 33 CFR Section 325.2(B)(1)(ii), the District Engineer has determined that Section 401 certification on said reservation is waived.