



STEVEN A. THOMPSON
Executive Director

OKLAHOMA DEPARTMENT OF ENVIRONMENTAL QUALITY

MARY FALLIN
Governor

PUBLIC NOTICE

May 31, 2011

This is to give notice that the Oklahoma Department of Environmental Quality (DEQ) has received an application for Water Quality Certification for proposed activities on the Illinois River under Section 401 of the Clean Water Act. This notice opens on May 31, 2011 and will close on June 14, 2011.

The application is from the Oklahoma Department of Transportation (ODOT) for roadway fill repair work on SH-10 highway along the Illinois River bank at Hanging Rock Camp in Cherokee County, Oklahoma. The repair work is covered under the Nationwide Permit 3 (NWP3), Maintenance. The Illinois River is designated as an Outstanding Resource Water (ORW) by Oklahoma Water Resources Board. The U.S. Army Corps of Engineers (USACE) has adopted their designations for Critical Resource Waters (CRW) relative to the NWPs. DEQ has denied Section 401 Water Quality Certification for NWP 3 in CRWs and requires a project-specific Section 401 Water Quality Certification.

Recently the fill in a section of SH-10, which functions as the west bank of the Illinois River, incurred damage due to flooding at Hanging Rock Camp. ODOT proposes to individually place 2000 tons of 36" riprap stones at the toe and along the bank at the damaged locations. The stones are expected to be placed up to three-fourths of the fill height to minimize damage to existing trees and vegetation. For the top fourth of the fill above the riprap, ODOT will place filter blanket material and then top off with material from the west ditch to encourage re-growth of vegetation along both highway shoulders.

The project is located within Section 5, Township 18 North, Range 23 East, I.M., in Cherokee County, Oklahoma. The draft certification is attached.

The DEQ contact person for submitting written comments, requesting information regarding the Water Quality Certification draft, and/or obtaining copies of the Certification is:

Elena Jigoulina
Water Quality Division
Oklahoma Department of Environmental Quality
P.O. Box 1677
Oklahoma City, OK 73101-1677
(405) 702-8200
Water.Comments@deq.ok.gov

June XX, 2011

Mr. Troy Travis
Oklahoma Department of Transportation
2800 S. 32nd Street
Muskogee, OK 74401

Re: Water Quality Certification for the Repair of State Highway 10 on Illinois River at Hanging Rock
Camp, Cherokee Co, Oklahoma

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 the Highway 10 fill repair on the Illinois River, located at Hanging Rock Camp in Cherokee Co, Oklahoma. The Department of Environmental Quality rules governing 401 Certification are contained in Oklahoma Administrative Code (OAC) 252252:611-3-1 through 252:611-3-6 pursuant to 27A Oklahoma Statute, 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) 702-1000.

We have reviewed and examined the proposed project as described in your application. Illinois River is assigned the following beneficial uses through the Oklahoma Water Quality Standards (WQS): Public and Private Water Supply, Cool Water Aquatic Community, Agriculture: Livestock and Irrigation, Primary Body Contact Recreation, Aesthetics, and Outstanding Resource Water (OAC 785:45 Appendix A, Table 1). To obtain a copy of the most recent version of the Oklahoma WQS, please contact the Oklahoma Water Resources Board at (405) 530-8800.

Recently the fill in a section of SH-10, which functions as the west bank of the Illinois River, incurred damage due to flooding at Hanging Rock Camp. ODOT proposes to individually place 2000 tons of 36" riprap stones at the toe and along the bank at the damaged locations. The stones are expected to be placed up to three-fourths of the fill height to minimize damage to existing trees and vegetation. For the top fourth of the fill above the riprap, ODOT will place filter blanket material and then top off with material from the west ditch to encourage re-growth of vegetation along both highway shoulders.

The project is located on Illinois River in Section 5, Township 18 North, Range 23 East, I.M., in Cherokee County, Oklahoma.

The Oklahoma Department of Environmental Quality grants Clean Water Act 401 Water Quality Certification for the repair of State Highway 10 on Illinois River at Hanging Rock, Oklahoma, subject to the following conditions:

- 1) All spills of fuel or other pollutants in excess of five gallons shall be reported to 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 at least 100 feet from the first defined bank of the creek.
- 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 DEQ at (405) 702-8100.
- 6) All deposition of riprap shall be done in a manner that will not increase turbidity or cause downstream deposition of bank material from the construction sites during or after construction.
- 7) All excess fill material, waste materials, construction debris etc., shall be removed from the site upon completion of the project.

DEQ recommends that live plants be incorporated into the riprap structure to enhance its habitat and aesthetic value.

If you have any questions concerning this matter, please contact Dr. Elena Jigoulina at 405-702-8200.

Sincerely,

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

cc: Ed Parisotto, Regulatory Branch, U.S. Army Corps of Engineers, Tulsa
Director, Oklahoma Department of Wildlife Conservation
Director, U. S. Fish and Wildlife Service, Tulsa
Sharon Parrish, EPA Region 6 (6WQ-EM)
Tom Bates, Public Protection Unit Chief, Attorney General of Oklahoma