



# Special Public Notice

US Army Corps  
of Engineers

**PUBLIC NOTICE DATE:** December 14, 2011

Alaska District  
Regulatory Division  
Post Office Box 6898, CEPOA-RD  
JBER, Alaska 99506-0898

**EXPIRATION DATE:** January 31, 2016

**IDENTIFICATION NO.:** APP 93-1 Reissuance  
(In reply refer to above identification number)

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## RE-ISSUED

### ALTERNATIVE PERMIT PROCESSING PROCEDURE 93-1 DISCHARGE OF DREDGED AND/OR FILL MATERIAL FOR WATER, WASTEWATER, AND SANITATION FACILITIES IN ALASKAN VILLAGES

The District Engineer, Alaska District, Corps of Engineers (Corps), has re-issued the Alternative Permitting Procedure (APP) 93-1 for five more years. APP 93-1 was developed to expedite the processing of certain water and sanitation projects in rural Alaska sponsored or funded by Federal or state agencies or Federally-Recognized Tribes.

Permitting authority is granted pursuant to Section 404 of the Clean Water Act (Public Law 95-217, 33 U.S.C. 1344 et seq.) and Section 10 of the Rivers and Harbors Act of 1899 (33 U.S.C. 403) for the placement of dredged and/or fill material and structures into waters of the United States (U.S.), including wetlands.

For the purposes of this permit procedure, a sanitation facility is defined as a facility which provides clean water or removes domestic waste from the local environment. Examples of such projects are: community sewer, septic, and water systems; and individual wells and septic systems. Excluded from coverage are: solid waste disposal sites (landfills), soil remediation facilities, and industrial or commercial water and wastewater treatment facilities.

Based on a review of all pertinent information, I have concluded that issuance of this procedure will have no more than minimal adverse impact on the environment and is not contrary to the public interest.

Please contact **Mary Leykom** at (907) 753-2712, toll free in Alaska at (800) 478-2712, email at **regpagemaster@usace.army.mil**, or by mail at the address above, if you have questions.

District Engineer  
Alaska District  
U.S. Army Corps of Engineers

Enclosures

**ALTERNATIVE PERMIT PROCESSING PROCEDURE 93-1  
FOR WATER, WASTEWATER, and SANITATION FACILITIES IN ALASKA, 2011**

**INTRODUCTION**

The Alternative Permit Processing Procedure 93-1 (APP) is intended to expedite the processing of water and sanitation projects in rural Alaska for which all substantive issues have been, or can be, resolved in an abbreviated time frame. Please read through all the information below to determine whether your project fits the criteria and meets the conditions for processing under the APP. If these conditions and procedures are not met, standard Department of the Army processing procedures, including a Public Notice, shall be used (per 33 CFR 325.2). The goal of the APP is to make permit decisions more quickly based upon the minimal impact, benefits to health and environment, and coordination undertaken by the applicants.

**APPLICABLE PROJECTS**

APP 93-1 is intended for projects requiring individual Department of the Army (DA) permits for the placement of dredged and/or fill material and structures into waters of the United States (U.S.), including wetlands. Permitting authority is granted under Section 404 of the Clean Water Act (Public Law 95-217, 33 U.S.C. 1344 et seq.) and Section 10 of the Rivers and Harbors Act of 1899 (33 U.S.C. 403). Project purpose must be for constructing or upgrading sanitation, water and wastewater facilities, including some support facilities (access roads, washeterias, and water tanks) in Alaska. The APP was developed for projects constructed and/or funded by U.S. Indian Health Service (IHS), Federally Recognized Alaskan Tribes carrying out IHS programs under PL 93-638, the Alaska Village Safe Water Program (VSWP), or other local, state, or Federal agencies. Projects must impact no more than five acres of wetlands or waters of the U.S. to be eligible.

**EXCLUDED PROJECTS AND AREAS**

Solid waste disposal sites (landfills), soil remediation facilities, industrial or commercial waste and wastewater disposal facilities.

Also excluded are projects which adversely affect historic properties; threatened or endangered species or their critical habitat; high value wetlands; and essential fish habitat.

The APP is not intended for projects in cities and towns such as: Anchorage, Fairbanks, Juneau, Sitka, Ketchikan, Kenai, Homer, Seward, Petersburg, Wasilla, Palmer, Unalaska/Dutch Harbor, Naknek, Bethel, King Salmon, Soldotna, Dillingham, Kodiak, Valdez, or Cordova.

**HOW TO APPLY FOR THE APP: REQUIRED INFORMATION**

1. The permit applicant must submit the following information to the U.S. Army Corps of Engineers CEPOA-RD, Post Office Box 6898, JBER, Alaska 99506-0898:

- a) A completed DA permit application form (ENG FORM 4345) including required drawings;
- b) A map delineating any wetlands. Also show streams, ponds, or other aquatic features and depict the ordinary high water mark;
- c) A written description of how the applicant will avoid, minimize and compensate for impacts to waters of the U.S. as follows:
  - i) Avoid. Describe how, in your project-planning process, you avoided impacts to waters of the U.S. to the greatest extent practicable. Examples of avoidance measures include site selection, use of alternate routes, and modification of design configurations.

ii) Minimize. Describe how your project design incorporated measures that minimized unavoidable impacts to waters of the U.S. by limiting discharges of fill to the minimum amount/size necessary to achieve the project purpose.

iii) Compensatory Mitigation. Once all efforts to avoid and minimize impacts have occurred, remaining impacts may be offset by compensatory mitigation. Describe how your proposed compensatory mitigation would offset unavoidable impacts to waters of the U.S., or alternatively, why compensatory mitigation is not appropriate or practicable for your project.

d) Documentation of your initial consultation with:

- Federal Aviation Administration for wildlife hazards;
- U.S. Fish and Wildlife Service for Threatened and/or Endangered species and eagle nests;
- Alaska State Historic Preservation Officer (SHPO) for cultural or historical features (only for Federal agencies designated the lead agency for Section 106 consultation; the DA will consult with SHPO for all other applicants);
- National Marine Fisheries Service for Threatened or Endangered species and Essential Fish Habitat;
- Alaska Department of Fish and Game for Fish Habitat Permits.

2. If your project requires any of the following, a written justification must be submitted with the permit application:

- a) Fill within 200 feet of any open water body, such as stream, slough, river, pond, lake, estuary, marine waters, or permanently flooded emergent wetland;
- b) Temporary storage of fill or overburden materials within 200 feet of any open water as defined above;
- c) Location of a fuel storage facility within 200 feet of any open water body as defined above;
- d) Conversion of a tundra pond into a sewage lagoon.

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**The application is complete when the above information has been submitted**

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#### APP 93-1 PERMIT CONDITIONS

Read through the conditions to make certain your project can comply.

#### Special Conditions:

1. Total acreage of the fill placed in waters of the U.S. and wetlands cannot exceed five acres. This includes fill for buildings, sewage lagoons, access roads, driveways, and related features. The combined length of roads in the five-acre calculation must not exceed 5,000 feet; and written justification must be provided, if the proposed road length exceeds 2,000 linear feet.

2. Projects requiring the placement of fill within 200 feet of the ordinary high water mark or high tide line of any open water body must provide written justification and a vegetative buffer must be left in place between the water body and the facility. The vegetative buffer must be indicated on the project plans.

3. No activities shall be conducted in a fish stream without prior coordination with the Alaska Department of Fish and Game (ADFG). Applicants must obtain and comply with ADFG Fish Habitat Permits, if required.
4. If fuel storage tanks must be placed within 200 feet of any open water body, they must hold less than 10,000 gallons, be located within an impermeable dike of 110 percent capacity of the largest independent container, and written justification for this placement along with leak and spill prevention specifications must be provided to the Corps. All fuel storage must meet all local, state and Federal storage and handling requirements.
5. If permafrost is present, gravel thickness or insulation must be sufficient to prevent thermal degradation.
6. Natural drainage patterns must be maintained. Culverts, ditching, storm drain systems and other measures may be incorporated. Ponding and/or drying of areas adjacent to fill areas indicate non-compliance with this condition.
7. Fill must consist of clean, uncontaminated gravel or rock.
8. The limits of fill must be staked or flagged every 100 feet, before construction begins, to prevent accidental wetland impact.
9. Disturbed ground and exposed soil not covered by structures or other features must be stabilized and revegetated with native plant species as soon as possible. The goal is to eliminate erosion and sedimentation and establish a durable vegetative cover.
10. Reasonable precautions and controls must be used during construction to prevent incidental and accidental discharge of petroleum products. Materials such as sorbent pads and booms must be readily available on-site, and must be used to contain and cleanup any petroleum product spilled as a result of construction activity.
11. Storage facilities for toxic or hazardous wastes must meet local, state and Federal requirements for storage and handling of such materials.
12. Federal applicants shall consult with the State Historic Preservation Officer (SHPO), and, if necessary, the Advisory Council on Historic Preservation, on the effects of their projects on historic properties, as per Section 106 of the National Historic Preservation Act. If the APP submittal is from a non-Federal applicant, the DA shall be responsible for consulting with the SHPO. The SHPO shall be provided 30 days to respond, if necessary.
13. If, while undertaking authorized work, previously unknown archeological or historic resources are discovered, work must be interrupted until this office has been notified (phone 907-753-2712; or toll free 800- 478-2712). The DA will consult with SHPO and other consulting parties, as appropriate, regarding the discovery and will determine whether the resources are eligible for the National Register of Historic Places. If the resources are eligible, the DA will determine appropriate mitigation in consultation with SHPO and other consulting parties, before authorizing work to resume. In the case of a Federal applicant, the DA shall function as an interested party. In the case of a non-Federal applicant, the DA shall take the lead agency role in Section 106 consultation.

14. Pursuant to Section 7(a)(2) of the Endangered Species Act of 1973, the proposed activity shall not adversely affect any species listed as threatened or endangered under the Act. Additionally, the proposed activity shall not jeopardize the continued existence of any proposed species under the Act. All applicants must contact the U.S. Fish and Wildlife Service (USFWS) and the National Marine Fisheries Service (NMFS) to determine whether any listed or proposed species may be present at the site of the proposed activity and include all documentation with their application. The Corps shall consult with USFWS and NMFS once the application is complete.

15. The Magnuson-Stevens Fishery Conservation and Management Act, as amended by the Sustainable Fisheries Act of 1996, requires all Federal agencies to consult with the NMFS on all actions, or proposed actions, permitted, funded, or undertaken by the agency, that may adversely affect Essential Fish Habitat (EFH). The DA shall consult with NMFS once the application is complete.

16. The conditions found on the State of Alaska Department of Environmental Conservation, Certificate of Reasonable Assurance pursuant to Section 401 of the Clean Water Act are attached to, and become a part of permits issued using the APP.

17. Issuance of this authorization does not obviate the need for you to coordinate with, or obtain, other Federal, state, and local permits, licenses, or approvals that may be required, and those approvals must be obtained prior to conducting work under this APP.

18. Your use of the permitted activity must not interfere with the public's right to free navigation on all navigable waters of the United States.

19. If located in navigable waters, you must install and maintain, at your expense, any safety lights and signals prescribed by the United States Coast Guard (USCG), through regulations or otherwise, on your authorized facilities. The USCG may be reached at the following address and telephone number: Commander (oan), 17th Coast Guard District, P.O. Box 25517, Juneau, Alaska 99802; (907) 463-2269.

20. The permittee understands and agrees that, if future operations by the United States require the removal, relocation, or other alteration, of the structure or work herein authorized, or if, in the opinion of the Secretary of the Army or his authorized representative, said structure or work shall cause unreasonable obstruction to the free navigation of the navigable waters, the permittee will be required, upon due notice from the Corps of Engineers, to remove, relocate, or alter the structural work or obstructions caused thereby, without expense to the United States. No claim shall be made against the United States on account of any such removal or alteration.

General Conditions: General Conditions are those listed on the standard Department of the Army (DA) Permit, (ENG Form 1721, Nov 86), a copy of which is attached.

## PROCEDURES

1. Applicant submits DA permit application and required information.
2. The DA determines whether the application is complete and meets the terms and conditions of the APP. A pre-application meeting may be scheduled, if needed.

3. The application and supporting information are emailed/faxed to the appropriate agencies and interested parties for a period of 15 calendar days.

4. Commenting agencies and interested parties have the right to verbally comment within the 15 calendar days and can request a 15calendar day extension to furnish written comments (email is acceptable).

5. Procedures under the 404(q) Memorandum of Agreement (MOA) remain valid under the APP procedure and the National Marine Fisheries Service (NMFS), the U.S. Fish and Wildlife Service (USFWS), and/or the U.S. Environmental Protection Agency (EPA) may maintain that issues have not been resolved, and request additional time to provide comments. Such requests for time extensions will comply with the respective 404(q) MOA. Parties other than Federal agencies will also have the opportunity to provide comments within a granted time extension period.

6. The permit form will carry the following sentence: "Standard procedures [33 CFR Part 325.2(a)] were not followed in granting this authorization."

OTHER INFORMATION

Failure to comply with these conditions and the terms of the APP can result in suspension of the work, revocation of the permit, removal of the fill, restoration of the wetlands, and/or imposition of penalties as provided by law.

MONITORING

The Regulatory Division will maintain a file of APP-related documents and monitoring efforts.

EXTENSION, MODIFICATION, AND REVOCATION OF APP

This APP will be in effect for a period of 5 years. At the end of the 5-year period, an evaluation of the APP procedure will be made and the decision made whether to renew, revise, or retire the APP.

This APP may be modified or revoked at any time by the District Engineer. A Public Notice would be issued to notify the public.

FOR THE DISTRICT ENGINEER:



William A. Keller  
Alaska District  
Corps of Engineers

12.14.2011

Date

# DEPARTMENT OF THE ARMY PERMIT

## Permit Conditions:

### General Conditions:

1. The time limit for completing the work authorized ends on **December 31, 2016**.

If you find that you need more time to complete the authorized activity, submit your request for a time extension to this office for consideration at least one month before the above date is reached.

2. You must maintain the activity authorized by this permit in conformance with the terms and conditions of this permit. You are not relieved of this requirement if you abandon the permitted activity, although you may make a good faith transfer to a third party in compliance with General Condition 4 below. Should you wish to cease to maintain the authorized activity or should you desire to abandon it without a good faith transfer, you must obtain a modification of this permit from this office, which may require restoration of the area.

3. If you discover any previously unknown historic or archeological remains while accomplishing the activity authorized by this permit, you must immediately notify this office of what you have found. We will initiate the Federal and State coordination required to determine if the remains warrant a recovery effort or if the site is eligible for listing in the National Register of Historic Places.

4. If you sell the property associated with this permit, you must obtain the signature of the new owner in the space provided and forward a copy of the permit to this office to validate the transfer of this authorization.

5. If a conditioned water quality certification has been issued for your project, you must comply with the conditions specified in the certification as special conditions to this permit. For your convenience, a copy of the certification is attached if it contains such conditions.

6. You must allow representatives from this office to inspect the authorized activity at any time deemed necessary to ensure that it is being or has been accomplished in accordance with the terms and conditions of your permit.

**STATE OF ALASKA**  
**DEPARTMENT OF ENVIRONMENTAL CONSERVATION**  
**CERTIFICATE OF REASONABLE ASSURANCE**

A Certificate of Reasonable Assurance (CRA), in accordance with Section 401 of the Federal Clean Water Act and the Alaska Water Quality Standards is issued to the U.S. Army Corps of Engineers, P.O. Box 6898, JBER, 99506-0898 for the discharge of dredged or fill material into limited wetlands areas for activities associated with individual and community sanitation systems, along with their associated support facilities, in villages throughout Alaska.

The proposed activity is located within Alaskan villages.

Public notice of the application for this certification was given as required by 18 AAC 15.180.

A State Water Quality Certification is required under Section 401 because the proposed activity will be authorized by a U.S. Army Corps of Engineers permit, reference number APP 93-1 and a discharge may result from the proposed activity.

The 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 Clean Water Act and the Alaska Water Quality Standards, 18 AAC 70, provided that the following alternative 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, surface runoff or water bodies.
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). Most importantly, the applicant must contact by telephone the DEC Area Response Team for Central Alaska at (907) 269-3063 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. Report all spills
3. Prior to fill placement, a silt fence or other type of perimeter control shall be installed on a line parallel to and within 5' of the proposed fill toe of slope within all wetland areas that contain standing water that is connected to any natural body of water or where the fill toe is within 25' of such a water body. This structure shall remain in place until the fill has been stabilized or contained in another manner.



4. Any disturbed ground and exposed soil not covered with fill must be stabilized and revegetated 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.
5. Fill placed during winter construction within wetlands that during the summer contain surface water that is connected to natural bodies of water must be stabilized or contained in the spring prior to breakup to insure that silts are not carried from the fill to the natural bodies of water in the summer.

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 5 Dec 2011

  
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Sharon Morgan, Manager  
Wastewater Discharge Authorization Program