



Katie Hobbs
Governor

Arizona Department of Environmental Quality



Karen Peters
Cabinet Executive Officer
Executive Deputy Director

Alexandra Ryan
U. S. Army Corps of Engineers
Arizona Regulatory Branch

Via Electronic Mail

Re: Clean Water Act § 401 Water Quality Certification for the Reauthorization of Regional General Permit No. 41 – Eradication and Removal of Invasive, Non-native Plant and Algal Species from Waters of the U.S.

Dear Ms. Ryan:

The Arizona Department of Environmental Quality (ADEQ) has reviewed the U.S. Army Corps of Engineers (USACE) public notice and certification request letter dated February 28, 2024, for the reauthorization of Regional General Permit (RGP) No. 41 (SPL-2003-01094), for the eradication and removal of invasive plants in waters.

Based on the public notice activities and conditions, ADEQ certifies the RGP41 with the following conditions:

- ADEQ shall receive a Section 401 certification request (application) if the proposed activity will occur within the ordinary high water mark (OHWM) of an impaired or not-attaining water, or a lake, pursuant to Arizona Administrative Code (A.A.C.) R18-11, Water Quality Standards.
- ADEQ shall receive a Section 401 certification request (application) if the proposed activity will occur within the OHWM of an outstanding Arizona water (OAW), pursuant to Arizona Administrative Code (A.A.C.) R18-11, Water Quality Standards. Pursuant to Arizona’s Antidegradation Rule (A.A.C. R18-111-107.01(C)(4)) *“a discharge regulated under a § 404 permit that may affect existing water quality of an OAW requires an individual § 401 water quality certification to ensure that existing water quality is maintained and protected and any water quality impacts are temporary. Temporary water quality impacts are those impacts that occur for a period of six months or less.”*

Information on ADEQ’s CWA § 401 WQC and impaired, not-attaining, or outstanding Arizona waters can be found on our website at <https://www.azdeq.gov/cwa401>

Sincerely,

Josephine Maressa, Deputy Director
Water Quality Division
Arizona Department of Environmental Quality

Date

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