

March 28, 2016

**Division of Water Quality  
Utah Department of Environmental Quality  
Notice of Public Comment Period and  
Proposed 401 Water Quality Certification, Amended,  
Millsite Reservoir Sluicing Project, Emery County, Utah**

**Purpose of Public Notice**

The Utah Division of Water Quality (DWQ) is soliciting comments regarding the reissuance of an amended 401 Water Quality Certification that was originally issued on June 9, 2015. The project purpose remains the same, which is twofold: (1) to maintain the present storage capacity of Millsite Reservoir, which loses approximately 74 acre-ft of water storage each year to sediment deposits, and (2) to replenish Ferron Creek with turbid water that more closely mimics the natural state of Ferron Creek than the present clear-water discharge regime. The Applicant, Ferron Canal and Reservoir Company, made an amended request on February 8, 2016 to: (1) dredge to the spillway at the average daily sediment concentration of inflow to inception of spill for that current year; (2) revise the Dissolved Oxygen requirement; and, (3) eliminate the pre-existing condition, #3, to align the outgoing and incoming Ferron Creek monitoring sites to an average daily NTU level within 15 NTUs, as described below, under the authority of Section 401 of the federal Clean Water Act, (33 U.S.C. § 1341) and consistent with the Utah Water Quality Act, Title 19, Chapter 5, Utah Code Ann. 1953, as amended and Utah Administrative Code R317-15. A person who wishes to challenge a Permit Order may only raise an issue or argument during an adjudicatory proceeding that was raised during the public comment period and was supported with sufficient information or documentation to enable the Director to fully consider the substance and significance of the issue. Utah Code Ann. 19-1-301.5 can be viewed at the following internet location: URL: [http://le.utah.gov/xcode/Title19/Chapter1/19-1-S301.5.html?v=C19-1-S301.5\\_2015051220150512](http://le.utah.gov/xcode/Title19/Chapter1/19-1-S301.5.html?v=C19-1-S301.5_2015051220150512).

**Permit Information**

Applicant: Ferron Canal and Reservoir Company (FCRC)

Mailing Address: P.O. Box 256  
Ferron, UT 84523

Facility Location: The project site is located on Millsite Reservoir, approximately 3 miles west of the town of Ferron, in Section 11, Township 20 South, Range 6 East, Salt Lake Meridian, Latitude 39.0994°, Longitude -111.1976°, Emery County, Utah, and can be seen on the UT-FERRON USGS Topographic Quadrangle.

**Permit Background**

On June 15, 2015 the U.S. Army Corps of Engineers (USACE) authorized the FCRC by issuing a Nationwide Permit 43, *Stormwater Management Facilities*, which requires FCRC to secure a 401 Water Quality Certification. DWQ issued its original 401 Water Quality Certification on June 9, 2015. The FCRC made an application to amend the existing 401 Water Quality Certification on February 8, 2016.

**Additional Information**

Additional information listed below is also posted on DWQ's Public Notice website at:

<http://www.deq.utah.gov/NewsNotices/notices/water/index.htm#wqc>

- Amended 401 Water Quality Certification application, dated February 8, 2016;

- DWQ Draft Amended 401 Water Quality Certification with conditions.

**Submission of Public Comments**

Public comments on this matter must be received by the Division of Water Quality by **Monday, April 11, 2016 at 6:00 p.m.** All comments will be considered to determine whether an amended 401 Water Quality Certification can be issued.

Please submit comments to Bill Damery at [wdamery@utah.gov](mailto:wdamery@utah.gov) . Comments may also be submitted by mail to:

Bill Damery  
Utah Division of Water Quality  
P.O. Box 144870  
Salt Lake City, Utah 84114-4870

In compliance with the Americans with Disabilities Act, individuals with special needs (including auxiliary communicative aids and services) should contact Dana Powers, Office of Human Resources at (801) 536-4413, TDD (801) 536-4414.