

ADEQ

ARKANSAS
Department of Environmental Quality

SHORT TERM ACTIVITY AUTHORIZATIONS (STAA)

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A photograph of a waterfall in a wooded area. The water is white and foamy as it falls into a pool of dark green water. The surrounding trees are bare, suggesting a late autumn or winter setting. The text is overlaid on the image.

ADEQ's Mission

To protect, enhance, and restore the natural environment for the well-being of all Arkansans

Water Division's Mission

To protect and enhance Arkansas's waterways.



Where Does it Come From?

Federal Authority

- United States Code (USC)
 - Title 33 - Navigation and Navigable Waters
 - Chapter 26-Water Pollution Prevention and Control
 - Subchapter IV (§§1341-1346)
- Code of Federal Regulations (CFR)
 - Title 40 - Protection of Environment
 - Chapter I – Environmental Protection Agency
 - Subchapter D – Water Programs (Parts 100 to 149)
- State Authority is Granted Through 33 USC 1370 and 40 CFR 131.4

State Authority

- 2010 Arkansas Code
 - Title 8 - Environmental law
 - Chapter 4 - Arkansas Water and Pollution Control Act
 - Subchapter 2 - Water Pollution
 - §8-4-201 - §8-4-231
- Arkansas Pollution Control and Ecology Commission
 - Regulation No. 2
 - Establishing Water Quality Standards for Surface Waters of the State of Arkansas
 - 2.305 Short Term Activity Authorization

THE CLEAN WATER ACT PROTECTS MORE THAN WATER.



Clean Water Act Section 401 Water Quality Certifications

- Clean Water Act (CWA) Section 401 requires state water quality certifications prior to the issuance of federal permits and licenses to ensure that proposed projects will not violate state water quality standards. The decision to issue a Section 401 water quality certification rests with the ADEQ director and is based on compliance with APC&EC Reg. 2, which establishes Water Quality Standards for Surface Waters of the State of Arkansas.

- The majority of CWA Section 401 water quality certification requests are associated with permits issued by the U.S. Army Corps of Engineers (USACE) pursuant to CWA Section 404. Individual water quality certifications are required for projects that have the potential to impact Extraordinary Resource Waters, Ecologically Sensitive Waterbodies, or Natural and Scenic Waterways of the state.

Protect **YOUR** Drinking Water from Source to Tap!

CLEAN WATER. ACT NOW.



swim



drink



fish



ADEQ's Role

- Among the Department's numerous water quality management programs:
 - Section 401 Water Quality certification
 - Review all federal licenses or permits, including but not limited to Section 404, which may result in any discharge into navigable waters.
 - Water certification is determined on the basis of protection of designated uses and the anti-degradation requirement of the State's water quality standards.
 - Short Term Activity Authorization



PERMITS

ADEQ

A R K A N S A S
Department of Environmental Quality

Permits and Certifications

- Short Term Activity Authorization
- Sec. 401 Water Quality Certification
- Corps of Engineers Permit (404)
 - Individual Permit
 - Public Notice
 - Nationwide Permit
 - List of 52 Activities
 - Reg. 2 Special Designated Use Streams
 - Reg. 2 Non-Special Designated Use Streams

What is a Short Term Activity Authorization (STAA)?



What Does A Short Term Activity Authorization Cover?

- This authorization will allow for the applicant to exceed the water quality standards (mainly turbidity) for work that involves in-stream activities.
- This authorization is for a maximum of up to six months.
- The authorization must be obtained prior to the initiation of in-stream activities, unless it is an emergency situation.

Why do I need a Short Term Activity Authorization (STAA)?



ADEQ Regulation 2.305

The Director may authorize, with whatever conditions deemed necessary and without public notice, short term activities which might cause a violation of the Arkansas Water Quality Standards. This authorization is subject to the provisions that such activity is essential to the protection or promotion of the public interest and that no permanent or long-term impairment of beneficial uses is likely to result from such activity. Nothing herein shall be intended to supersede existing state and federal permitting processes or requirements.

Sediment is
the #1
pollutant
which enters
the Waters of
the United
States.



When Do I Need a STAA?



When any in-stream activity that has the potential to exceed the water quality standards. Including, but not limited to:

- Gravel Removal
- Bank Stabilization
- Culvert Replacement
- Flood Control Projects
- Entry of Machinery
- Bridge Construction, Demolition, Crossings, Repairs or Maintenance
- Activities Conducted in Any Water That Might Cause a Violation of the Arkansas Water Quality Standards

- The STAA can also cover other activities that are essential to the protection or promotion of the public interest and that result in no permanent or long-term impairment of beneficial uses of the water:
 - Wastewater treatment facility maintenance
 - Fish eradication projects
 - Mosquito abatement projects
 - Algae and weed control projects
 - Dredge and fill projects
 - Construction activities
 - Debris removal
 - Activities that maintain or enhance beneficial uses

Bank Erosion



Bank Erosion

- Loss of Land
- Loss of Agricultural Productivity
- Loss of Ecological Functions
- Cost in Stabilizing the Stream Bank



Recommendations for In-stream Activities

- Limit equipment in wetted areas as much as possible.
- All in-stream activity should be limited to within 50 feet of the crossing when performing any maintenance or debris removal activity.
- All wetted area activities should be limited to low flow conditions as much as possible.
- Utilize all practical Best Management Practice's (BMP's) to avoid sediment from entering the streams.
- Use hand crews where possible to remove debris.

What Not to Do!





09/29/2008



06/26/2012





How Do I Get
The
Process Started?

- Fill out and submit the STAA form prior to the initiation of any, non-emergency, in-stream activity.
- Please include any supporting documents with the STAA form submittal.
 - Contact Information
 - Accurate Coordinates (preferably in decimal degrees)
 - Maps
 - Photos
 - Engineering Plans

Short Term Activity Authorization (STAA)

for Entry of Machinery into Water; Debris Removal from Water or Wetland; Bridge Construction; Other

Activity conducted in ANY water which might cause a violation of the Arkansas Water Quality Standards MUST be authorized by the ADEQ Director. This would include debris removal or movement of machinery into the water or bridge construction that disturbs the water. Other activities that are essential to the protection or promotion of the public interest and that results in no permanent or long-term impairment of beneficial uses of the water from the activity may also be eligible for authorization to include: (A) wastewater treatment facility maintenance; (B) fish eradication projects; (C) mosquito abatement projects; (D) algae and weed control projects; (E) dredge and fill projects; (F) construction activities; or (G) activities which result in overall enhancement or maintenance of beneficial uses.

Any authorization DOES NOT supersede existing state and federal permitting processes or requirements and shall not be granted for activities which result in the adverse impact on any federally threatened or endangered species or on critical habitat of such species. (Reference ADEQ Regulation 2.305 Short Term Activity Authorization)

If you are required to secure a 404 Permit, including Nationwide Permits, or a Bridge Permit, you will need a STAA. You MAY need a STAA to remove debris from wetlands. You MAY need permission from the City or County if you are within an MS4 facility. Fee of \$200 per crossing is required for STAA activities.

Applicant Organization: _____

Name of Contact: _____

Phone: _____ E-Mail: _____

Mailing Address: _____

Location description: _____

Job County: _____ How many acres are being disturbed (Total)? _____

(attach maps & if possible,) _____

provide decimal GPS Coordinates) _____

Affected water body: _____

Do you have a Stormwater Construction Permit? Yes No Permit No. _____

Problems and Work to be performed: _____

For Debris Removal:

Estimate of the size or volume of the debris to be removed: _____

Method(s) to be used to remove the debris: _____

Date work projected to start: _____ Projected Completion: _____

Signature of Applicant: _____ Date: _____

Send request to: ADEQ Water Division – Lazendra L. Hairston
5301 Northshore Dr.
North Little Rock, AR 72118
FAX (501) 682-0910 or e-mail hairstonl@adeq.state.ar.us
Phone Inquiries: (501) 682-0946

What Do I Do in an Emergency Situation?



- The County Emergency Manager needs to notify ADEQ as soon as possible with details of the situation and what will be required to resolve the situation
- All waterways shown on a United States Geological Survey (USGS) topographical map as solid or dashed blue lines require USACE review, but emergency action may be taken without prior approval followed by notice and request to complete those repairs.
- A STAA is not required before conducting temporary emergency repairs typically needed within 72 hours following a disaster event to restore vital functions such as access to areas by emergency vehicles.

- Notice should be made to ADEQ within seven days and should include what additional work is needed for completion of the repairs.
- Notice of emergency repairs or request to conduct work in a dry waterway or for driveway repairs is not required, but protective measures must be taken to ensure there is not an impact when water does flow.
- Fill out a Multiple Project Information Sheet (MPIS) and submit it with any supporting documents or information.
- Maintain a copy of all records and receipts of work that has been completed in case the emergency situation becomes a declared disaster.

MULTIPLE PROJECT INFORMATION SHEET FOR WATERWAYS AND WETLANDS

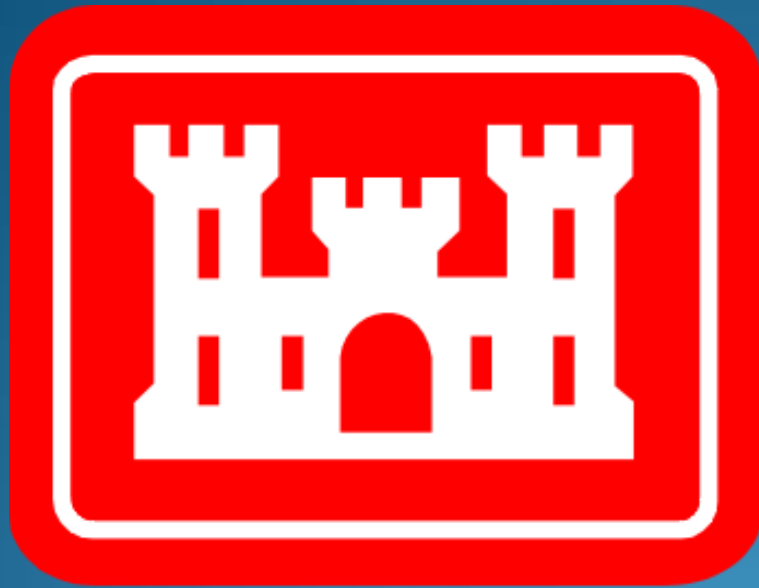
Applicant: <i>(example: Marion County)</i>	Email Address: <i>Jana.A.Smith@county.net</i>	COE Regulatory Action #
POC: <i>Jana Smith</i>	Mailing address: <i>12345 Main Street</i>	Disaster #
Phone #: <i>(555) 555-5555</i>	City, Arkansas zip code	***UPDATED January 2016***

APPLICANT PURPOSES

Project ID # <i>(from map)</i>	Location of Project <i>(road number or name & "near" address)</i>	GPS Latitude	GPS Longitude	Water Body	PW Ref #	Damage Description & Current Distances, Size, etc. <i>(road crossing, washout, bank erosion, utility line washout)</i>	Increase in size or major modification? Yes or No	Has emergency work already started/complete? yes or no	Will more permanent repairs be required? yes or no
1	CR23	36.2079	-92.0504	Music Creek or Unnamed tributary of...		culvert replacement - 25 ft long, 14 inch diameter	no	yes	yes
2									
3									
4									
5									
6									
7									
8									
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17									
18									
19									
20									

Additional information

* Please complete form on the computer and email to Lazendra Hairston hairstonl@adeq.state.ar.us. If you have questions call 501-682-0946.



**US Army Corps
of Engineers®**

401 Water Quality Certification

- If you are required to secure an STAA, you may also be required to obtain a U.S. Army Corps of Engineers (USACE) 404 Permit or a Bridge Permit . You may need an STAA to remove debris from wetlands. You may need permission from the city or county if your activity is within an area covered by an active General Stormwater NPDES - Municipal Separate Storm Sewer System (MS4) permit.
- Filing an application with USACE starts both the 404 permit and the 401 Certification processes.

401 Certification Review Process

- A General 401 is issued for each of the 52 NWP that are not on designated waters of the State.
- ADEQ has determined that these projects have minimum long term impact on waters of the state.
- If the proposed project does not meet the qualifications for a general nationwide permit, a joint public notice is issued by USACE and ADEQ after receipt of a USACE completed application.

Why Do A Public Notice?

- All activities on designated waters of the state per Reg. 2 must be placed on public notice.
- The purpose of the public notice is to inform the public and other government agencies of the proposed activity.
- All interested parties are allowed to issue comments on the project for a period of 30 days.
- If there are no comments or concerns that need to be addressed at the close of the 30-day comment period, a final 401 certification will be provided.

Nationwide Permits

Nationwide Permits

- 1. Aids to Navigation
- 2. Structures in Artificial Canals
- 3. Maintenance
- 4. Fish and Wildlife Harvesting, Enhancement, and Attraction Devices and Activities
- 5. Scientific Measurement Devices
- 6. Survey Activities
- 7. Outfall Structures and Associated Intake Structures
- 8. Oil and Gas Structures on the Outer Continental Shelf
- 9. Structures in Fleeting and Anchorage Areas
- 10. Mooring Buoys
- 11. Temporary Recreational Structures
- 12. Utility Line Activities

Nationwide Permits

- **13. Bank Stabilization**
- 14. Linear Transportation Projects
- 15. U.S. Coast Guard Approved Bridges
- 16. Return Water From Upland Contained Disposal Areas
- 17. Hydropower Projects
- 18. Minor Discharges
- **19. Minor Dredging**
- 20. Response Operations for Oil and Hazardous Substances
- 21. Surface Coal Mining Activities
- 22. Removal of Vessels
- 23. Approved Categorical Exclusions
- 24. Indian Tribe or State Administered Section 404 Programs

Nationwide Permits

- 25. Structural Discharges
- 26. [Reserved]
- 27. Aquatic Habitat Restoration, Establishment, and Enhancement Activities
- 28. Modifications of Existing Marinas
- 29. Residential Developments
- 30. Moist Soil Management for Wildlife
- 31. Maintenance of Existing Flood Control Facilities
- 32. Completed Enforcement Actions
- 33. Temporary Construction, Access, and Dewatering
- 34. Cranberry Production Activities
- 35. Maintenance Dredging of Existing Basins
- 36. Boat Ramps
- 37. Emergency Watershed Protection and Rehabilitation
- 38. Cleanup of Hazardous and Toxic Waste
- 39. Commercial and Institutional Developments

Nationwide Permits

- 40. Agricultural Activities
- 41. Reshaping Existing Drainage Ditches
- 42. Recreational Facilities
- 43. Stormwater Management Facilities
- 44. Mining Activities
- 45. Repair of Uplands Damaged by Discrete Events
- 46. Discharges in Ditches
- 47. [Reserved]
- 48. Commercial Shellfish Aquaculture Activities
- 49. Coal Remining Activities
- 50. Underground Coal Mining Activities
- 51. Land-Based Renewable Energy Generation Facilities
- 52. Water-Based Renewable Energy Generation Pilot Projects

Website

Instream Activity
Webpage

Database

QUESTIONS