

# **Clean Water Act, ADOT, and the Navajo Nation**

Navajo Nation DOT Partnership  
Steering Committee Meeting  
February 26, 2015

# Clean Water Act, ADOT, and the Navajo Nation

- ▶ Clean Water Act requirements that ADOT typically must comply with include:
  - Section 404 - Dredge and fill program permitting (US Army Corps)
  - Section 401 - Water quality certifications (State, Tribe, or US EPA)
  - Section 402 – Stormwater Discharge Permits (AZPDES and NPDES)

# Dredge and Fill Activities

- ▶ Dredge and fill permits are required if there is a discharge of dredged or fill material into “Waters of the United States.”
- ▶ In AZ, regardless of land ownership, dredge and fill permits always come from the US Army Corps of Engineers (Section 404 of Clean Water Act)
- ▶ Dredge and fill permits aren’t issued without a Clean Water Act Section 401 Water Quality Certification.

# Dredge and Fill Activities

- ▶ For Waters of the US on the Navajo Nation, the Water Quality Certification is issued by the Navajo Nation Environmental Protection Agency (NNEPA).
- ▶ ADOT submits an application for each applicable project to the NNEPA according to their requirements and guidance.
- ▶ ADOT personnel coordinate with NNEPA personnel before, during, and after the project to ensure compliance with the Water Quality Certification.

# Stormwater Discharge Permitting

- ▶ Construction activities that disturb one acre or more of land require a construction general permit for stormwater discharges.
- ▶ On Navajo Nation land, this permitting is coordinated through the US EPA.

Any other surface water or groundwater coordination is conducted through the NNEPA or USEPA as needed.

# Video

- ▶ Clean Water Act Permitting Coordination for US 89 Landslide Repair
- ▶ NNEPA, ADOT (and consultants), and US Army Corps in attendance
- ▶ [https://www.youtube.com/watch?v=aLd\\_SqtgXF8&list=PLwE4Fw-lxlc4QEwAW1o4q8hj51X2Ha0F&index=8](https://www.youtube.com/watch?v=aLd_SqtgXF8&list=PLwE4Fw-lxlc4QEwAW1o4q8hj51X2Ha0F&index=8)

## Contact Information

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