



Idaho Department of Environmental Quality

Draft § 401 Water Quality Certification

January 21, 2022

Project Name: Slaughter House Bridge Reconstruction

Federal Permit: U.S. Army Corps of Engineers § 404 Nationwide Permit 14; NWW-2018-00047

Applicant/Authorized Agent: DeeDee Bramblett, Benewah County/Chris Mansfield, T-O Engineers

Project Location: USFS Forest Service Road 754, MP 101.885 to MP 101.885 in Benewah County near St. Maries; Approximately 47.31954, -116.3493

Receiving Water Body: Slaughterhouse Draw and St. Joe River

Pursuant to the provisions of Section 401(a)(1) of the Federal Water Pollution Control Act (Clean Water Act), as amended; 33 U.S.C. Section 1341(a)(1); and Idaho Code §§ 39-101 et seq. and 39-3601 et seq., the Idaho Department of Environmental Quality (DEQ) has authority to review activities receiving federal permits and issue water quality certification decisions.

Based upon its review of the certification request and related project documents, received on January 14, 2022, DEQ certifies that if the permittee complies with the terms and conditions imposed by the permit and the conditions set forth in this water quality certification, then it is reasonable for DEQ to conclude that the activity will comply with water quality requirements, including applicable requirements of Sections 301, 302, 303, 306, and 307 of the Clean Water Act, the Idaho Water Quality Standards (WQS), IDAPA 58.01.02, and other appropriate water quality requirements of state law.

This certification does not constitute authorization of the permitted activities by any other state or federal agency or private person or entity. This certification does not excuse the permit holder from the obligation to obtain any other necessary approvals, authorizations or permits.

1 Project Description

This project will replace the existing 50 ft long by 18 ft wide free span Slaughter House Bridge at the Slaughterhouse Draw crossing, replace adjacent approaches, and address safety issues, erosion, and other environmental issues. The new culvert crossing will be 50 ft long by 48 ft wide. 0.155 ac of wetlands and 0.08 ac of the St. Joe River will be permanently impacted. Replacement will consist of three 12-ft diameter pipe culverts on top of a concrete seal and reinforced aggregate pad with riprap aprons. Construction activities include land clearing, excavation, and discharge of various fill materials (i.e., 440 yd³ topsoil, 640 yd³ concrete, and

586 yd³ aggregate and riprap material). Two temporary cofferdams will be installed in a phased approach to facilitate dewatering of the construction area. Surface water will be diverted. A tarp will be installed under the bridge to capture debris during demolition. Best Management Practices (BMPs) are proposed in the Biological Assessment. Protective measures include installation of wetland boundary markers and signs to prevent unnecessary impacts. The project will retain existing vegetation, including trees to the extent practicable. Wetlands that experience temporary impacts will be reseeded or replanted. In-water construction will be limited to November 1, 2022, to February 28, 2023.

2 Antidegradation Review

As part of its water quality standards program, Idaho has an antidegradation policy providing three levels of protection to water bodies in Idaho (IDAPA 58.01.02.051). DEQ has adopted regulations to implement the antidegradation policy (IDAPA 58.01.02.052).

Tier I Protection. The first level of protection applies to all water bodies subject to Clean Water Act jurisdiction and ensures that existing uses of a water body and the level of water quality necessary to protect those existing uses will be maintained and protected (IDAPA 58.01.02.051.01; 58.01.02.052.01). Additionally, a Tier I review is performed for all new or reissued permits or licenses (IDAPA 58.01.02.052.07).

Tier II Protection. The second level of protection applies to those water bodies considered high quality and ensures that no lowering of water quality will be allowed unless deemed necessary to accommodate important economic or social development (IDAPA 58.01.02.051.02; 58.01.02.052.08).

Tier III Protection. The third level of protection applies to water bodies that have been designated outstanding resource waters and requires that activities not cause a lowering of water quality (IDAPA 58.01.02.051.03; 58.01.02.052.09).

DEQ employs a water-body-by-water-body approach to implementing Idaho's antidegradation policy. This approach means that any water body fully supporting its beneficial uses will be considered high quality (IDAPA 58.01.02.052.05.a). Any water body not fully supporting its beneficial uses will be provided Tier I protection for that use, unless specific circumstances warranting Tier II protection are met (IDAPA 58.01.02.052.05.c). The most recent federally approved Integrated Report and supporting data are used to determine support status and the tier of protection (IDAPA 58.01.02.052.05).

2.1 Pollutants of Concern

The pollutant of concern for this project are sediment and pH (from concrete pouring). As part of the Section 401 water quality certification, DEQ is requiring the applicant to comply with various conditions to protect water quality and to meet Idaho WQS, including the water quality criteria applicable to sediment and pH.

2.2 Receiving Water Body Level of Protection

This project is located at the confluence of Slaughterhouse Draw and the St. Joe River within the St. Joe subbasin assessment units (AU) ID17010304PN027_02 (1st and 2nd order streams to St Joe below Bond Creek) and ID17010304PN027_05 (St. Joe River – St. Joe City to St. Maries River). The AU containing Slaughterhouse Draw has not yet been designated for beneficial uses. Because DEQ presumes most waters in the state will support cold water aquatic life and primary or secondary contact recreation beneficial uses, undesignated waters are protected for these uses (IDAPA 58.01.02.101.01.a). The AU containing the relevant segment of the St. Joe River is designated for cold water aquatic life, salmonid spawning, primary contact recreation, and domestic water supply. All waters of the state are protected for agricultural and industrial water supply, wildlife habitat, and aesthetics (IDAPA 58.01.02.100).

According to DEQ's 2018/2020 Integrated Report, the cold water aquatic life use may exist in Slaughterhouse Draw but is not fully supported. The cause of impairment is listed as physical substrate habitat alterations. However, the cold water aquatic life use exists in the St. Joe River but is not fully supported. Temperature exceedance is listed as the cause. As such, DEQ will provide Tier I protection (IDAPA 58.01.02.051.01) for the aquatic life use.

A secondary contact recreation use may exist in Slaughterhouse Draw and is presumed to be fully supported. Additionally, primary contact recreation is fully supported in the St. Joe River. As such, DEQ will provide Tier II protection (IDAPA 58.01.02.051.02), in addition to Tier I (IDAPA 58.01.02.051.01) protection for the recreation use.

2.3 Protection and Maintenance of Existing Uses (Tier I Protection)

A Tier I review is performed for all new or reissued permits or licenses, applies to all waters subject to the jurisdiction of the Clean Water Act, and requires demonstration that existing uses and the level of water quality necessary to protect existing uses shall be maintained and protected. The numeric and narrative criteria in the WQS are set at levels that ensure protection of existing and designated beneficial uses.

Water bodies not supporting existing or designated beneficial uses must be identified as water quality limited, and a total maximum daily load (TMDL) must be prepared for those pollutants causing impairment. Once a TMDL is developed, discharges of causative pollutants shall be consistent with the allocations in the TMDL (IDAPA 58.01.02.055.05). Prior to the development of the TMDL, the WQS require the application of the antidegradation policy and implementation provisions to maintain and protect uses (IDAPA 58.01.02.055.04). An EPA-approved TMDL has been developed for the St. Joe River at the project site. However, this TMDL was developed for temperature, which is not a pollutant of concern for the proposed project.

During the construction phase, the applicant will implement, install, maintain, monitor, and adaptively manage best management practices directed toward reducing erosion and minimizing turbidity levels and pH fluctuations in receiving water bodies downstream of the project. As long as the project is conducted in accordance with the provisions of the project

plans, federal permit, and conditions of this certification, then it is reasonable for DEQ to conclude that the project will comply with the state's numeric and narrative criteria. These criteria are set at levels that protect and maintain existing and designated beneficial uses.

There is no available information indicating the presence of any existing beneficial uses aside from those that are already designated and discussed above; therefore, the permit ensures that the level of water quality necessary to protect both existing and designated uses is maintained and protected in compliance with the Tier I provisions of Idaho's WQS (IDAPA 58.01.02.051.01 and 58.01.02.052.07).

2.4 High-Quality Waters (Tier II Protection)

Slaughterhouse Draw is presumed high quality for secondary contact recreation and the St. Joe River is high quality for primary contact recreation. As such, the water quality relevant to this use must be maintained and protected, unless a lowering of water quality is deemed necessary to accommodate important social or economic development.

To determine whether degradation will occur, DEQ must evaluate how the permit issuance will affect water quality for each pollutant that is relevant to the recreation use of Slaughterhouse Draw and the St. Joe River (IDAPA 58.01.02.052.06). The project does not involve pollutants of concern for recreation. As such, the project complies with IDAPA 58.01.02.051.02 and IDAPA 58.01.02.052.06.

3 Conditions Necessary to Ensure Compliance with Water Quality Standards or Other Appropriate Water Quality Requirements of State Law

The following conditions are necessary to ensure the project complies with Idaho water quality standards and other appropriate water quality requirements of State law applicable to Slaughterhouse Draw and the St. Joe River.

3.1 General Conditions

This certification is based on the certification request submitted by the Army Corps of Engineers on January 14, 2022, and is conditioned upon the requirement that any modification (e.g., change in work windows, etc.) of the permitted activity shall first be provided to DEQ for review to determine compliance with Idaho WQS and to provide additional certification pursuant to Section 401. Such modifications may not be implemented until DEQ has determined whether additional certification is necessary.

Because DEQ is certifying only the activity described in the certification request, this condition is necessary to ensure that discharges under circumstances that differ from those described in the certification request will comply with 33 U.S.C. § 1341, 40 CFR Part 121, and other applicable water quality requirements, including without limitation 33 U.S.C. § 1311(a), Idaho Code § 39-108, IDAPA 58.01.02.051, IDAPA 58.01.02.052, IDAPA 58.01.02.080, IDAPA 58.01.02.200, IDAPA

58.01.02.210, IDAPA 58.01.02.250, IDAPA 58.01.02.251, IDAPA 58.01.02.252, IDAPA 58.01.02.253, and IDAPA 58.01.02.400.

1. DEQ reserves the right to modify, amend, or revoke this certification if DEQ determines that, due to changes in relevant circumstances—including without limitation, changes in project activities, the characteristics of the receiving water bodies, or state WQS—there is no longer reasonable assurance of compliance with WQS or other appropriate requirements of state law.

Because DEQ is certifying only the activity described in the certification request based on information available at the time of certification, this condition is necessary to ensure that discharges from activities not described in the certification request, or where there has been a change in the characteristics of or WQS applicable to the receiving water body, will comply with 33 U.S.C. § 1341, 40 CFR Part 121, and other applicable water quality requirements, including without limitation 33 U.S.C. § 1311(a), Idaho Code § 39-108, IDAPA 58.01.02.051, IDAPA 58.01.02.052, IDAPA 58.01.02.080, IDAPA 58.01.02.200, IDAPA 58.01.02.210, IDAPA 58.01.02.250, IDAPA 58.01.02.251, IDAPA 58.01.02.252, IDAPA 58.01.02.253, and IDAPA 58.01.02.400.

2. If ownership of the project changes, the certification holder shall notify DEQ, in writing, upon transferring this ownership or responsibility for compliance with these conditions to another person or party. The new owner/operator shall request, in writing, the transfer of this water quality certification to his/her name.

This condition is necessary to ensure that, in the event of an ownership change, DEQ has the minimum information to support ongoing compliance with 33 U.S.C. § 1341, 40 CFR Part 121, this water quality certification, and other applicable water quality requirements, including without limitation Idaho Code § 39-108, IDAPA 58.01.02.080, and IDAPA 58.01.02.400.

3. A copy of this certification must be kept on the job site and readily available for review by any contractor working on the project and any federal, state, or local government personnel.

This condition is necessary to ensure all responsible parties, including onsite contractors, are aware of and comply with this water quality certification and other applicable water quality requirements, including without limitation Idaho Code § 39-108, IDAPA 58.01.02.080, and IDAPA 58.01.02.400.

4. The applicant is responsible for all work done by contractors and must ensure the contractors are informed of and follow all the conditions described in this certification and the federal permit.

This condition is necessary to ensure all responsible parties, including onsite contractors, comply with this water quality certification and applicable water quality requirements, including without limitation Idaho Code § 39-108, IDAPA 58.01.02.080, and IDAPA 58.01.02.400.

5. A BMP inspection and maintenance plan must be developed and implemented. At a minimum, BMPs must be inspected and maintained daily during project implementation and be replaced or augmented if they are not effective. BMPs shall be replaced or augmented if they are not effective.

This condition is necessary for the protection of beneficial uses in accordance with Idaho water quality requirements including without limitation IDAPA 58.01.02.051, IDAPA 58.01.02.200.08, IDAPA 58.01.02.250.02.e, IDAPA 58.01.02.253, IDAPA 58.01.02.400.

3.2 Erosion and Sediment Control

The following conditions 6-12 are necessary for the protection of beneficial uses in accordance with Idaho water quality requirements including without limitation IDAPA 58.01.02.051, IDAPA 58.01.02.200, IDAPA 58.01.02.250, IDAPA 58.01.02.253, IDAPA 58.01.02.400.

6. BMPs for sediment and erosion control suitable to prevent exceedances of state WQS shall be selected and installed before starting construction at the site. One resource that may be used in evaluating appropriate BMPs is DEQ's Idaho Catalog of Storm Water Best Management Practices¹. Other resources may also be used for selecting appropriate BMPs.
7. Permanent erosion and sediment control measures will be installed in a manner that will provide long-term sediment and erosion control to prevent excess sediment from entering waters of the state.
8. Permanent erosion and sediment control measures will be installed at the earliest practicable time consistent with good construction practices and will be maintained as necessary throughout project operation.
9. Structural fill or bank protection will consist of materials that are placed and maintained to withstand predictable high flows in the waters of the state.
10. All construction debris, scraps, particles, and other associated materials will be properly captured and disposed of so they cannot enter waters of the state or cause water quality degradation.
11. Disturbed areas suitable for vegetation will be seeded or revegetated to prevent subsequent soil erosion (2020 Catalog of Storm Water BMPs 3.5.1.4).
12. Maximum fill slopes will be such that material is structurally stable once placed and does not slough into the stream channel during construction, during periods prior to revegetation, or after vegetation is established.

¹ *Idaho Catalog of Storm Water Best Management Practices, Prepared by the State of Idaho Department of Environmental Quality, April 2020.*

3.3 Culverts

The following conditions 13-17 are necessary to control erosion, sediment, and turbidity for the protection of beneficial uses in accordance with Idaho water quality requirements, including without limitation IDAPA 58.01.02.200, IDAPA 58.01.02.250.

13. To prevent road surface and culvert bedding material from entering a stream, culvert crossings must include best management practices to retain road base and culvert bedding material. For perennial waters, the permittee should consider the Idaho Stream Channel Alterations rules (IDAPA 37.03.07). Another source of BMPs for culvert installation can be found in the Idaho Forest Practices Act (IDAPA 20.20.01). Examples of best management practices include, but are not limited to parapets, wing walls, inlet and outlet rock armoring, compaction, suitable bedding material, anti-seep barriers such as bentonite clay, or other acceptable roadway retention systems.
14. The culvert shall not constrict the stream channel and shall not be angled such that the outflow is directed toward the stream bank. The culvert's flow line shall match the existing stream invert at its entrance and exit. Adequate grade control shall be installed to prevent channel down cutting or excessive deposition from occurring.
15. Culverts shall be installed such that they do not impede fish passage.
16. Culvert outflow shall be armored with riprap to provide erosion control. This riprap will be clean, angular, dense rock that is free of fines and resistant to aquatic decomposition.
17. Culverts shall be sized appropriately to maintain the natural drainage patterns.

3.4 Fill Material

The following conditions 18-22 are necessary for the protection of beneficial uses in accordance with Idaho water quality requirements including without limitation IDAPA 58.01.02.051, IDAPA 58.01.02.200, IDAPA 58.01.02.210, IDAPA 58.01.02.250, IDAPA 58.01.02.251, IDAPA 58.01.02.252, IDAPA 58.01.02.253, IDAPA 58.01.02.400.

18. Fill material subject to suspension will be free of easily suspended fine material. Only clean material may be placed as fill.
19. When a cofferdam is deployed in areas with flowing water, the cofferdam must be designed, tested, and recommended by the manufacturer for this condition.
20. Stranded fish found in dewatered cofferdams should be safely moved to a location (preferably downstream) with water. The Idaho Department of Fish and Game should be contacted with questions about fish handling.
21. All temporary fills will be removed in their entirety on or before construction completion.
22. Excavated or staged fill material must be placed so it is isolated from the water edge or wetlands, and not placed where it could re-enter waters of the state.

3.5 In-water Work

The following conditions 23-28 are necessary for the protection of beneficial uses in accordance with Idaho water quality requirements including without limitation IDAPA 58.01.02.051, IDAPA 58.01.02.200, IDAPA 58.01.02.250, IDAPA 58.01.02.253, IDAPA 58.01.02.400

23. Work in open water is to be kept at a minimum and only when necessary. Equipment shall work from an upland site to minimize disturbance of waters of the state. If this is not practicable, appropriate measures must be taken to ensure disturbance to the waters of the state is minimized.
24. To minimize sediment transport, stream channel or stream bank stabilization must be completed prior to returning water to a dewatered segment
25. Construction affecting the bed or banks shall take place only during periods of low flow.
26. Work in waters of the state shall be restricted to areas specified in the application.
27. Heavy equipment working in wetlands shall be placed on mats or suitably designed pads to prevent damage to the wetlands.
28. Measures shall be taken to prevent wet concrete from entering waters of the state when placed in forms and/or from truck washing.

3.6 Turbidity

The following conditions 29-31 are necessary for the protection of beneficial uses in accordance with Idaho water quality requirements including without limitation IDAPA 58.01.02.051, IDAPA 58.01.02.200.08, IDAPA 58.01.02.250.02.e, IDAPA 58.01.02.253, IDAPA 58.01.02.400.

29. Sediment resulting from this activity must be mitigated to prevent violations of the turbidity standards as stipulated under the Idaho WQS. *Any violation of this standard must be reported to the DEQ regional office immediately.*
30. All practical BMPs/containment measures such as silt curtains, geotextile fabrics, and silt fences must be correctly implemented and properly maintained to minimize instream sediment suspension and resulting turbidity.
31. Visual observation is acceptable to determine whether BMPs are functioning properly unless a plume is observed. If a plume is observed, the project may be causing an exceedance of WQS and the permittee must inspect the condition of the project's BMPs and initiate turbidity sampling consistent with Table 1, with a properly and regularly calibrated turbidimeter. Turbidity sampling must be conducted, recorded, and reported as described below. *A properly and regularly calibrated turbidimeter is required.*
 - a. Turbidity sampling location. Choose, identify, and document the following locations for each plume observed:
 - i. Background locations: The sample must be taken at an undisturbed area immediately up-current from in-water disturbance or discharge to establish

background turbidity levels. Background turbidity, latitude/longitude, date, and time must be recorded prior to monitoring downcurrent.

- ii. **Compliance locations:** Choose a location in the plume that is immediately outside of any containment measures such as silt curtains. The turbidity, latitude/longitude, date, and time must be recorded for each sample. The downstream sample must be taken immediately following the upstream sample.
- b. Turbidity samples must be representative of lake turbidity when the activity is being conducted. *Measurements cannot be taken during a cessation of activity.*
- c. Results from the down-current sampling point must be compared to the up-current or background level to determine whether project activities are causing an exceedance of state WQS. If the downstream turbidity is 50 NTUs or more greater than the upstream turbidity, then the project is causing an exceedance of the WQS.

Table 1. Turbidimeter monitoring and sampling when a plume is observed.

Turbidity above background¹	Monitoring/sampling frequency¹	Additional actions required
0 to 24 NTU	Visual monitoring every 2 hours	None
25 to 49 NTU	Sample every 2 hours	STOP work after 8 hours in every 24-hour period
25 NTU for 10 or more consecutive days	Sample before and after following instructions ²	STOP work and follow instructions ² ; Notify DEQ Regional Office at (208) 666-4605
50 NTU or more	Sample before and after following instructions ³	STOP work and follow instructions ³ ; Notify DEQ Regional Office at (208) 666-4605

¹Turbidity shall be sampled three times at each location and reported. Use the maximum value of three samples for determining compliance and following Table 1 direction.

²Instructions: If BMPs appear to be functioning to their fullest capacity, then the permittee must modify the activity or implement additional BMPs (this may include modifying existing BMPs) until additional sampling indicates turbidity standards are met. Sampling can cease when a plume is no longer observed. Work can continue when a plume is no longer observed, and measurements are below 25 NTU.

³Instructions: If BMPs appear to be functioning to their fullest capacity, then the permittee must modify the activity or implement additional BMPs (this may include modifying existing BMPs) until additional sampling indicates turbidity standards are met. Sampling can cease when a plume is no longer observed. Work can continue when a plume is no longer observed, and measurements are below 50 NTU.

- d. **Reporting:** Copies of daily logs for turbidity meter calibration and turbidity sampling must be made available to DEQ and other local, state, and federal regulatory agencies upon request. Beginning with the observation of a plume, provide the following information:
 - i. **Calibration log** must include instrument serial number, date, time, and calibration result.

- ii. Turbidity sampling log must include instrument manufacturer information and serial number, background NTUs, compliance point NTUs, comparison of the points in NTUs, and location, time, and date for each reading.
- iii. Turbidity sampling log submitted to DEQ must include a narrative discussing all exceedances, controls applied and their effectiveness, changes made to controls, subsequent sampling, work stoppages, and any other actions taken.

3.7 Vegetation Protection and Restoration

The following conditions 32-35 are necessary for the protection of beneficial uses in accordance with Idaho water quality requirements including without limitation IDAPA 58.01.02.051, IDAPA 58.01.02.200, IDAPA 58.01.02.250, IDAPA 58.01.02.253, IDAPA 58.01.02.400.

32. To the maximum extent practical, staging areas and access points should be placed in open, upland areas.
33. Fencing and other barriers should be used to mark the construction areas.
34. Where possible, alternative equipment that has limited impact on vegetation should be used (e.g., spider hoe or crane).
35. If authorized work results in unavoidable vegetative disturbance, riparian and wetland vegetation shall be successfully reestablished to function for water quality benefit at pre-project levels or improved at the completion of authorized work.

3.8 Toxics and Other Pollutants

36. In conformance with IDAPA 58.01.02.200, the use of chemicals such as soil stabilizers, dust palliatives, sterilants, growth inhibitors, fertilizers, and deicing salts during construction and operation should be limited to the best estimate of optimum application rates. All reasonable measures shall be taken to avoid excess application and introduction of chemicals into waters of the state.

3.9 Management of Hazardous or Deleterious Materials

The following conditions 37-43 are necessary for the protection of beneficial uses in accordance with Idaho water quality requirements including without limitation IDAPA 58.01.02.051, IDAPA 58.01.02.080, IDAPA 58.01.02.200, IDAPA 58.01.02.400, IDAPA 58.01.02.800, IDAPA 58.01.02.850.

37. Portable toilets and garbage containers placed at work areas that are near or over water shall be regularly maintained and securely anchored to prevent tipping and release to surface water.
38. Petroleum products and hazardous, toxic, and/or deleterious materials shall not be stored, disposed of, or accumulated adjacent to or in the immediate vicinity of waters of the state. Adequate measures and controls must be in place to ensure that those materials will not

enter waters of the state as a result of high water, precipitation runoff, wind, storage facility failure, accidents in operation, or unauthorized third-party activities.

39. Daily inspections of all fluid systems on equipment to be used in, over, or near waters of the state shall be done to ensure no leaks or potential leaks exist prior to equipment use. A logbook of these inspections shall be kept on site and provided to DEQ upon request. If equipment leaks fluids as a normal part of operation, it shall have an absorbent drip pad (diaper) or other appropriate containment to capture all leaks.
40. Equipment and machinery must be removed from the vicinity of the waters of the state prior to refueling, repair, and/or maintenance.
41. Equipment and machinery shall be steam cleaned of oils and grease in an upland location or staging area with appropriate wastewater controls and treatment prior to entering a water of the state. Waste/wash water must not be allowed to enter waters of the state.
42. Emergency spill procedures shall be in place and include spill response kits (e.g., oil absorbent booms or other equipment) located where heavy equipment is being operated.
43. In the event of an unauthorized release of hazardous material to state waters or to land such that there is a likelihood that it will enter state waters, the responsible persons in charge must:
 - a. Make every reasonable effort to abate and stop a continuing spill.
 - b. Make every reasonable effort to contain spilled material in such a manner that it will not reach surface or ground waters of the state.
 - c. Call 911 if immediate assistance is required to control, contain, or clean up the spill. If no assistance is needed in cleaning up the spill, contact the appropriate DEQ regional office during normal working hours or Idaho State Communications Center after normal working hours (1-800-632-8000). If the spilled volume is above federal reportable quantities, contact the National Response Center (1-800-424-8802). Coeur d'Alene Regional Office: 208-769-1422 / 877-370-0017.
 - d. Collect, remove, and dispose of the spilled material in a manner approved by DEQ.

3.10 Dredged/Excavated Material Management

44. If dredged/excavated substrate requires upland disposal, such disposal must be done in a manner that prevents the material from re-entering waters of the state.

This condition is necessary to ensure that there is no unauthorized discharge from upland disposal sites in accordance with 33 U.S.C. § 1311(a) and Idaho water quality requirements, including without limitation Idaho Code § 39-108, IDAPA 58.01.02.080, and IDAPA 58.01.02.400.

4 Required Notification

The permittee must notify the Coeur d'Alene Regional Office when authorized work begins.

5 Right to Appeal Final Certification

The final Section 401 Water Quality Certification may be appealed by submitting a petition to initiate a contested case, pursuant to Idaho Code § 39-107(5) and the “Rules of Administrative Procedure before the Board of Environmental Quality” (IDAPA 58.01.23), within 35 days of the date of the final certification.

Questions or comments regarding the actions taken in this certification should be directed to Chantilly Higbee, Coeur d’Alene Regional Office at 208-666-4605 or via email at Chantilly.Higbee@deq.idaho.gov.

DRAFT

Dan McCracken
Regional Administrator
Coeur d’Alene Regional Office