



STATE OF IDAHO
DEPARTMENT OF
ENVIRONMENTAL QUALITY

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Brad Little, Governor
Jess Byrne, Director

April 28, 2022

By email: scott.vuono@usda.gov

Scott W. Vuono
USDA Forest Service
PO Box 2356
Ketchum, Idaho 83340

Subject: Final § 401 Water Quality Certification for the USFS Warm Springs Bridge
Replacement; NWW-2021-00569

Dear Mr. Vuono:

The Idaho Department of Environmental Quality (DEQ) has issued a Section § 401 Water Quality Certification for the Army Corps of Engineers permit NWW-2021-00569 for the USFS Warm Springs Bridge Replacement. DEQ has determined that the proposed project activities will comply with Idaho Water Quality Standards; given that you comply with all terms of the federal permit, this § 401 certification and any applicable water quality management plans (e.g., total Maximum Daily Loads).

No comments were received during the 21-day period that the document was available on the DEQ website for public comment. Please make sure that you and anyone performing this work read the document and are familiar with the conditions of this certification prior to beginning work. Please also notify the DEQ Twin Falls Regional Office when work begins.

Sincerely,

A handwritten signature in blue ink that reads "Sue Switzer".

Sue Switzer
Regional Administrator

SS:SW:sg

Enclosure (1)

c: Carolyn Smith, Army Corps of Engineers, carolyn.d.smith@usace.army.mil
Sean Woodhead, DEQ, sean.woodhead@deq.idaho.gov
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Idaho Department of Environmental Quality

Final § 401 Water Quality Certification

April 28, 2022

Project Name: USFS Warm Springs Bridge Replacement

Permit Number (if applicable): NWW-2021-00569

Applicant/Authorized Agent: Scott W. Vuono

Project Location: N43.629812°, W-114.579970°

Receiving Water Body: Warm Springs Creek

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 § 404 dredge and fill permits and issue water quality certification decisions.

Based upon its review of the certification request, received on 3/2/2022, 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 the Clean Water Act §§ 301, 302, 303, 306, and 307 of the Clean Water Act, Idaho's "Water Quality Standards" (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

The purpose of this project is to replace and relocate a new bridge on Warm Springs Creek and re-route a 0.12-mile segment of Forest Service Road #227. Proposed project activities will involve the discharge of fill material into Warm Springs Creek and adjacent wetlands. The proposed project is located within the Sawtooth Forest, in Ketchum, Blaine County. The primary objective for removing the temporary bridge is to restore wetlands, improve overall water quality, improve infrastructure and to restore aquatic habitat. Work will occur in either early spring or late fall to minimize disturbance. Erosion and sediment control such as wattles and silt fences will be installed wherever ground disturbing activities occur or on slopes greater than

twenty percent (20%). Disturbed areas will be revegetated. Turbidity monitoring will occur during construction activities; however, instream work is not anticipated.

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 [DEQ 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 is sediment. As part of the § 401 water quality certification, DEQ requires the applicant to comply with various conditions to protect water quality and to meet Idaho's water quality standards, including the water quality criteria applicable to sediment.

2.2 Receiving Water Body Level of Protection

This project is located on Warm Springs Creek within the Subbasin assessment unit (AU) ID17040219SK024_04 (Warm Springs Creek-source to and including Thompson Creek). This AU as the following assessed beneficial uses: cold water aquatic life, salmonid spawning, and secondary contact recreation. In addition to these uses, all waters of the state are protected

for agricultural and industrial water supply, wildlife habitat, and aesthetics (IDAPA 58.01.02.100).

The AU potentially impacted by the proposed project is currently in Category 2 of Idaho's most recently approved Integrated Report. Category 2 AUs are those that have been found to be fully supporting designated uses through the beneficial use reconnaissance program assessments.

The only pollutant of concern associated with this project is sediment. However, sediment is not relevant to recreational uses since aquatic life is the more sensitive use and sediment will be expected to cause impairments to aquatic life at concentrations well below what would be necessary to cause recreational use impairment; it is therefore unnecessary for DEQ to conduct a Tier II analysis for this use (IDAPA 58.01.02.052.06).

2.3 High-Quality Waters (Tier II Protection)

Warm Springs Creek is considered high quality for Cold Water Aquatic Life, Salmonid Spawning and Secondary Contact Recreation. The water quality relevant to these uses 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 aquatic life and/or recreation uses of Warm Springs Creek (IDAPA 58.01.02.052.06). The pollutant of concern is sediment. Work will occur in either early spring or late fall to minimize disturbance. Erosion and sediment control such as wattles and silt fences will be installed wherever ground disturbing activities occur or on slopes greater than twenty percent (20%). Disturbed areas will be revegetated. Turbidity monitoring will occur during construction activities; however, instream work is not anticipated. As such, the project complies with IDAPA 58.01.02.051.02 and IDAPA 58.01.02.052.06.

To maintain the ambient water quality conditions, permanent erosion and sediment controls must be implemented, which will minimize or prevent future sediment contributions from the project area. The provisions in the federal permit, coupled with the conditions of this certification, ensure that degradation to the ID17040219SK024_04 AU or the Warm Springs Creek will not occur. Therefore, DEQ concludes that this project complies with the Tier II provisions of Idaho's water quality standards (IDAPA 58.01.02.051.02; 58.01.02.052.06 and 58.01.02.052.08).

Special project conditions include but are not limited to:

1. To minimize impacts, work will occur during low or no-flow conditions.
2. Excavated materials unnecessary for construction must be removed from the project area and taken to an upland area where it will not re-enter waters of the United States.
3. The contractor(s) performing the work must be informed of and follow the terms and conditions of this certification.

The applicant proposes implementation of the following best management practices to minimize impacts on water quality and anti-degradation of water quality:

- Equipment will be staged in predesignated areas and outside of RCAs.
- Fuel storage will occur within staging areas, and equipment refueling will not occur within RCAs (except as necessary at pump stations). Engine and hydraulic fluids will be monitored for leaks.
- If a crane is used, and on-site refueling is required within the RCA, a fuel containment basin capable of retaining 110% of the crane's fuel capacity will be established around the crane to prevent spills.
- No construction activity will occur instream within Warm Springs Creek for bridge construction. The new bridge will fully span the bankfull channel.
- Should pumping be required to vacate groundwater inflow from the abutment excavations, the pumped outflow will occur at sufficient distance, or with sufficient methods, to assure flows are clear and free of sediments should they reach the creek. Pumps will reside within a containment basin with at least 110% capacity (e.g., tub or lined depression) and placed as far from the creek as practical.
- Standard erosion control and containment practices (e.g., wattles, silt fence) will be applied wherever ground disturbing activities occur within RCAs or on slopes greater than 20 percent, or in areas where water may concentrate during snowmelt periods. Revegetation of such locations will also be emphasized.
- Care will be utilized to minimize the entry of construction or demolition debris into water or wetlands.
- Where instream/near stream objectives are anticipated (e.g., abutment removal, bank restoration), temporary water filled flow deflectors or similar strategy, will be utilized to protect the immediate work area from flow energies.
- For streamside activities, work will only occur during daylight hours.

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 USFS Warm Springs Bridge Replacement project complies with Idaho's water quality standards and other appropriate water quality requirements of State law applicable to Warm Springs Creek.

3.1 General Conditions

This certification is based on the certification request submitted by Scott Vuono, USDA Forest Service, Sawtooth National Forest on 3/2/202, and is conditioned upon the requirement that any modification (e.g., change in work windows, etc.) of the permitted activity must first be provided to DEQ for review to determine compliance with Idaho's water quality standards and to provide additional certification pursuant to § 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 ensures 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 water quality standards—there is no longer reasonable assurance of compliance with water quality standards 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 water quality standards 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 must notify DEQ, in writing, upon transferring this ownership or responsibility for compliance with these conditions to another person or party. The new owner/operator must request, in writing, the transfer of this water quality certification to the new 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 on-site 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 on-site 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. If this project disturbs more than 1-acre and there is potential for discharge of stormwater to waters of the state, then coverage under the [DEQ Construction General Permit Program](#) is required.

This condition is necessary to ensure that work authorized under the federal permit complies with water quality requirements prohibiting unauthorized stormwater discharges, including without limitation 33 U.S.C. § 1311(a), 33 U.S.C. § 1342(p), IDAPA 58.01.02.080, and IDAPA 58.01.02.400.

3.2 Fill Material

The following conditions 3.2.1 through 3.2.3 are necessary for the protection of beneficial uses in accordance with Idaho's water quality standards, 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.

1. Fill material subject to suspension will be free of easily suspended fine material. Only clean material may be placed as fill. If dredged material is proposed for use as fill material and there is a possibility the material may be contaminated, then the permittee must assess and characterize sediment to determine the suitability of dredge material for unconfined-aquatic placement; determine the suitability of post-dredge surfaces; and predict the effect on water quality during dredging. Sediment assessment and characterization following the procedures in the *Sediment Evaluation Framework for the Pacific Northwest* (RSET 2018) satisfies this requirement. A different assessment and characterization methodology may be used if the DEQ approves the methodology in writing.
2. Temporary fills will be removed in their entirety on or before construction completion.
3. 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.

3.3 Erosion and Sediment Control

The following conditions 3.3.1 through 3.3.9 protect beneficial uses according to Idaho's water quality standards, including without limitation IDAPA 58.01.02.051, IDAPA 58.01.02.200, IDAPA 58.01.02.250, IDAPA 58.01.02.253, and IDAPA 58.01.02.400.

1. BMPs for sediment and erosion control suitable to prevent exceedances of Idaho's water quality standards and TMDLs will be selected and installed before starting construction at the site. One resource to evaluate appropriate BMPs is the *Idaho Catalog of Storm Water Best Management Practices* (DEQ 2020). Other resources may also be used for selecting appropriate BMPs.
2. 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.
3. 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.
4. 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.
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.
6. All construction debris, scraps, particles, and other associated materials will be captured and properly disposed of so they cannot enter waters of the state or cause water quality degradation.
7. Disturbed areas suitable for vegetation will be seeded or revegetated to prevent subsequent soil erosion (EPA 2000).
8. 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.
9. Sediment from disturbed areas or sediment that can be tracked by vehicles onto pavement must not be allowed to leave the site in amounts that would reasonably be expected to enter waters of the state. Placement of clean aggregate at all construction entrances or exits and other BMPs such as truck or wheel washes, if needed, must be used when earth-moving equipment will be leaving the site and traveling on paved surfaces as to prevent track-out.

3.4 Turbidity

The following conditions 3.4.1 through 3.4.4 protect beneficial uses in accordance with Idaho's 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.

1. Sediment resulting from this activity must be mitigated to prevent violations of the turbidity standards as stipulated under the Idaho's water quality standards. Any violation of this standard must be reported to the DEQ regional office immediately.
2. Containment measures such as silt curtains, geotextile fabrics, and silt fences must be implemented and properly maintained to minimize instream sediment suspension and resulting turbidity. One resource to evaluate appropriate BMPs is the *Idaho Catalog of Storm Water Best Management Practices* (DEQ 2020). Other resources may also be used for selecting appropriate BMPs.
3. All practical BMPs on disturbed banks and within the waters of the state must be implemented to minimize turbidity. Visual observation is acceptable to determine whether BMPs are functioning properly. If a sediment plume is observed, the project may be causing an exceedance of Idaho's water quality standards, then the permittee must inspect the condition of the project BMPs. If the BMPs appear to be functioning properly, then corrective action must be taken, and the permittee must modify the activity or implement additional BMPs (this may also include modifying existing BMPs).
4. If the project continues to have a visual sediment plume after BMPs have been inspected and modified, turbidity monitoring consistent with Table 1, is required.
 - a. A properly and regularly calibrated turbidimeter is required for sample collection measurements to be analyzed in the field. The turbidimeter should be calibrated prior to each use or according to the manufacture's recommendations. The calibration log should be maintained and made available to DEQ upon request. Instantaneous grab samples may be collected for field analysis and taken to a laboratory for analysis as needed. When turbidity monitoring is required, a grab sample must be collected at an undisturbed area immediately upstream from the in-water disturbance or discharge, to establish background turbidity levels. Background turbidity, latitude/longitude, date, and time must be recorded prior to monitoring downstream. Then a sample must be collected immediately downstream from the in-water disturbance or point of discharge and within the visible sediment plume. The turbidity, latitude/longitude, date, and time must be recorded for each sample. The downstream sample must be taken immediately following the upstream sample to obtain meaningful and representative results.
 - b. Results from the downstream sampling location must be compared to the upstream sample location or background turbidity to determine whether project activities are causing an exceedance of state water quality standards. If the downstream turbidity is 50 NTUs or greater than the upstream turbidity, then the project is causing an exceedance of the water quality standards. Any exceedance of the turbidity

standard must be reported to the appropriate DEQ regional office within 24-hours of the sample event.

- c. Earth disturbing activities may continue once turbidity readings return to within 50 NTU over background instantaneously; or, if turbidity has exceeded 25 NTU over background for more than ten consecutive days, once turbidity readings have no longer exceeded 25 NTU over background for at least 24 consecutive hours.
- d. Copies of daily logs for turbidity monitoring must be available to DEQ upon request. The report must describe all exceedances and subsequent corrective actions taken, including the effectiveness of the action.

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

Turbidity Above Background ^a	Monitoring/Sampling Frequency ^a	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 ^b	STOP work and follow instructions ^b ; notify DEQ regional office
50 NTU or more	Sample before and after following instructions ^c	STOP work and follow instructions ^c ; notify DEQ regional office

- a. Sample and report turbidity three times at each location. Use the maximum value of three samples to determine compliance following Table 1 directions.
- b. Instructions: If BMPs appear to be functioning properly, then the permittee must modify the activity or implement corrective action such as installing additional BMPs (this may include modifying existing BMPs) until additional sampling indicates turbidity standards are met. Sampling can cease when a sediment plume is no longer observed. Work can commence when a sediment plume is no longer observed, and measurements are consecutively below 25 NTU.
- c. Instructions: If BMPs appear to be functioning properly, then the permittee must modify the activity or implement corrective action such as installing additional BMPs (this may include modifying existing BMPs) until additional sampling indicates turbidity standards are met. Sampling can cease when a sediment plume is no longer observed. Work can commence when a sediment plume is no longer observed, and measurements are below 50 NTU.

3.5 In-Water Work

The following conditions 3.5.1 through 3.5.11 protect beneficial uses in accordance with Idaho's water quality standards, 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.

1. Work in open water is to be kept at a minimum and only when necessary. Equipment must 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.
2. Construction affecting the bed or banks must take place only during periods of low flow.
3. Fording of the channel is not permitted. Temporary bridges or other structures must be built if crossings are necessary.
4. Temporary crossings must be perpendicular to channels and located in areas with the least impact. The temporary crossings must be supplemented with clean gravel or

treated with other mitigation methods at least as effective in reducing impacts. Temporary crossings must be removed as soon as possible after the project is completed or the crossing is no longer needed.

5. Heavy equipment working in wetlands must be placed on mats or suitably designed pads to prevent damage to the wetlands.
6. Activities in spawning areas must be avoided to the maximum extent practicable.
7. Work in waters of the state must be restricted to areas specified in the application.
8. Measures must be taken to prevent wet concrete from entering waters of the state when placed in forms and/or from truck washing.
9. Activities that include constructing and maintaining intake structures must include adequate fish screening devices to prevent fish entrainment or capture.
10. Stranded fish found in dewatered segments should be moved to a location (preferably downstream) with water.
11. To minimize sediment transport, stream channel or stream bank stabilization must be completed prior to returning water to a dewatered segment.

3.6 Vegetation Protection and Restoration

The following conditions 3.6.1 through 3.6.4 protect beneficial uses in accordance with Idaho's water quality standards, 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.

1. To the maximum extent practical, staging areas and access points should be placed in open, upland areas.
2. Fencing and other protective barriers should be used to mark the construction areas.
3. Where possible, alternative equipment should be used (e.g., spider hoe or crane).
4. If authorized work results in unavoidable vegetative disturbance, native riparian and wetland vegetation must be successfully reestablished to function for water quality benefit at pre-project levels or improved at the completion of authorized work.

3.7 Management of Hazardous or Deleterious Materials

The following conditions 3.7.1 through 3.7.8 protect beneficial uses in accordance with Idaho's water quality standards, 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.

1. Petroleum products and hazardous, toxic, and/or deleterious materials must 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 because of high water, precipitation runoff, wind, storage facility failure, accidents in operation, or unauthorized third-party activities.

2. Vegetable-based hydraulic fluid should be used on equipment operating in or directly adjacent to the channel if this fluid is available.
3. Daily inspections of all fluid systems on equipment to be used in or near waters of the state ensure no leaks or potential leaks exist prior to equipment use. A logbook of daily equipment inspections must be kept on site and provided to DEQ upon request.
4. Equipment and machinery must be removed from the vicinity of the waters of the state before refueling, repair, and/or maintenance.
5. Equipment and machinery must be steam cleaned of oils and grease in an upland location or staging area with appropriate wastewater controls and treatment capability before entering waters of the state. Any wastewater or wash water must not enter waters of the state.
6. Emergency spill procedures must be in place and include a spill response kit (e.g., oil absorbent booms or other equipment).
7. If an unauthorized release of hazardous material to state waters or to land occurs and there is a likelihood that it will enter state waters, then 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).
 - d. Contact Twin Falls Regional Office: (208) 736-2190.
8. Collect, remove, and properly dispose of spill and cleanup materials in a manner approved by DEQ.

3.8 Culverts

The following conditions 3.8.1 through 3.8.5 control erosion, sediment, and turbidity to protect beneficial uses according to Idaho's water quality standards, including without limitation IDAPA 58.01.02.200 and IDAPA 58.01.02.250.

1. To prevent road surface and culvert bedding material from entering a stream, culvert crossings must include BMPs to retain road base and culvert bedding material. For

perennial waters, the permittee should consider Idaho's "Stream Channel Alterations Rules" (IDAPA 37.03.07). Another source of BMPs for culvert installation are found in the "Rules Pertaining to the Idaho Forest Practices Act" (IDAPA 20.20.01). Examples of BMPs include, but are not limited to: parapets, wing walls, inlet and outlet rock armoring, compaction, suitable bedding material, antiseep barriers such as bentonite clay, or other acceptable roadway retention systems.

2. The culvert must not constrict the stream channel and must not be angled so the outflow is directed toward the streambank. The culvert's flow line must match the existing stream invert at its entrance and exit. Adequate grade control must be installed to prevent channel down cutting or excessive deposition from occurring.
3. The culvert must be installed so it does not impede fish passage.
4. The culvert outflow must 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.
5. Culverts must be sized appropriately to maintain the natural drainage patterns.

3.9 Treated Wood

The following condition meets Idaho's water quality standards, including without limitation IDAPA 58.01.02.200 and IDAPA 58.01.02.210.

This condition ensures that toxic chemicals are not introduced into waters of the state. The *Guidance for the Use of Wood Preservatives and Preserved Wood Products In or Around Aquatic Environments* (DEQ 2008) must be considered when using treated wood materials in the aquatic environment. The DEQ guidance references the *Best Management Practices for the Use of Treated Wood in Aquatic and Wetland Environments* (Western Wood Preservers Institute et al. 2011). This BMP document provides recommended guidelines for producing and installing treated wood products for use in sensitive environments.

3.10 Dredge Material Management

Upland disposal of dredged material must prevent the material from reentering waters of the state.

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

3.11 Pollutants/Toxins

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 must be taken to avoid excess application and introduction of chemicals into waters of the state.

4 Required Notification

The permittee must notify the Twin Falls Regional Office when authorized work begins.

5 Right to Appeal Final Certification

The final § 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 Sean Woodhead, Twin Falls Regional Office, 208-736-2190, sean.woodhead@deq.idaho.gov.



Sue Switzer

Regional Administrator

Twin Falls Regional Office

References

- DEQ (Idaho Department of Environmental Quality). 2008. *Guidance for the Use of Wood Preservatives and Preserved Wood Products in or Around Aquatic Environments*. Boise, ID: DEQ. <https://www2.deq.idaho.gov/admin/LEIA/api/document/download/4838>
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