1118 F St, Lewiston, ID 83501
(208) 799-4370

Brad Little, Governor
Jess Byrne, Director

October 5, 2023

Shawn Smith
PO Box 837
Lewiston, ID 83843
shawn.smith@itd.idaho.gov

Subject: Final § 401 Water Quality Certification for SH-11 Quartz Creek (Jaype) Bridge Replacement, NWW-2023-00322

Dear Mr. Smith:

The Idaho Department of Environmental Quality (DEQ) has issued a Section § 401 Water Quality Certification for the SH-11 Quartz Creek (Jaype) Bridge Replacement. No comments were received during the 21-day public comment period.

DEQ has determined that the proposed project activities will comply with Idaho Water Quality Standards; given that you comply with the terms of the federal permit, this § 401 certification, and any applicable water quality management plans (e.g., Total Maximum Daily Loads).

Questions or comments regarding this certification should be directed to Sujata Connell at *Sujata.Connell@deq.idaho.gov* or 208-799-4370.

Sincerely,

Sujata Connell

Sujata Connell
Regional Water Quality Manager

Enclosure (1)

c: Jake Cordtz, Army Corps of Engineers, *Shane.K.Skaar@usace.army.mil*
Tambra Phares, Idaho DEQ, *tambra.phares@deq.idaho.gov*

Idaho Department of Environmental Quality
Final Section 401 Water Quality Certification

October 5, 2023

Project Name: SH-11 Quartz Creek (Jaype) Bridge Replacement

Permit Number: NWW-2023-00322

Applicant/Authorized Agent: Idaho Transportation Department (ITD), District 2

Project Location: From Pierce, ID head north on State Highway 11 for approximately 2.5 miles to project location, latitude 46.519583°N, longitude -115.828497°W

Receiving Water Body: Quartz 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 federal permits and issue water quality certification decisions.

In accordance with the Clean Water Act §§ 121.4 and 121.5, all project proponents must submit a request for a prefiling meeting at least thirty days in advance of submitting a certification request. A prefiling meeting request was received by DEQ on 3/21/2023.

Based upon its review of the certification request in accordance with the Clean Water Act § 121.5 (b) and (c), received on 8/16/2023, 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, 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 project will replace the existing Quartz Creek concrete, cast-in-place culvert bridge with a new bridge. The new bridge will be approximately 36' wide by 48'4" long. The bridge will be constructed in the same location as the existing bridge and will include the reconstruction of

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835’ of road approach on either side of the bridge. The current abutments will be retained in place, with work below the ordinary high water mark (OHWM) consisting of new riprap placement for scour prevention with 20 cubic yards of riprap and 52 cubic yards of roadway fill material. New abutments will be constructed outside the OHWM. Work in wetlands will consist of fill placement for roadway widening, scour protection, temporary bypass, and stream bank grading to increase hydraulic flow with a total of 71 cubic yards of fill placed. Two 24-inch culverts will be installed for roadway drainage.

Best management practices (BMPs) to be used will include flagging adjacent wetlands for protection, operating equipment from the bank/roadway, dewatering the creek using sandbags or other temporary dewatering methods, a pump with a fish screen to move water, and relocating fish from the dewatered area if needed. Vegetated riprap and bank stabilization/erosion control consisting of native soils with gravel/cobble and coconut mesh erosion control blankets and shrub/sapling plantings will be installed and maintained through the duration of the project. Minimization measures also include the development and implementation of a Storm Water Pollution Prevention Plan (SWPPP) and installation of standard BMPs such as fiber wattles, silt fences, and perimeter controls to prevent sediment from leaving the work areas. Work areas below the OHWM will be dewatered and isolated prior to disturbance and construction will be done during summer low flow conditions.

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 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 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 do not lower 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 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 Quartz Creek within the Clearwater subbasin assessment unit (AU) ID17060306CL039_02 (Shanghai Creek and tributaries). According to the most recent federally approved DEQ Integrated Report, this AU has cold water aquatic life, salmonid spawning, contact recreation, and domestic water supply designated beneficial uses. 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).

According to DEQ's 2022 Integrated Report, this receiving water body AU is fully supporting its assessed uses (IDAPA 58.01.02.052.05.a). As such, DEQ will provide Tier II protection in addition to Tier I for this water body (IDAPA 58.01.02.051.02; 58.01.02.051.01).

However, the only pollutant of concern associated with this project is sediment, sediment is not relevant to recreational uses because aquatic life is the more sensitive use. Sediment will be expected to cause impairments to aquatic life at concentrations well below that necessary to cause recreational use impairment, so it is unnecessary for DEQ to conduct a Tier II analysis (IDAPA 58.01.02.052.08).

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 water quality standards are set at levels that ensure protection of existing and designated beneficial uses.

Throughout the life of the project, the applicant will implement, install, maintain, monitor, and adaptively manage BMPs to reduce erosion and minimize turbidity levels in receiving water bodies downstream of the project. BMPs will include ceasing construction activities during storm events, equipment and heavy machinery will work from the bank and not enter the channel, complying with state and federal standards when dewatering the stream, preparing a spill plan, reseeding disturbed soils, preparing a SWPPP, and utilizing BMPs such as silt fencing and fiber wattles to prevent sediment from entering the stream during construction. In

addition, permanent erosion and sediment controls will be implemented that will minimize or prevent future sediment contributions from the project area.

If the project is conducted according to 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. 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 IDAPA 58.01.02.051.01 and 58.01.02.052.07.

2.4 High-Quality Waters (Tier II Protection)

Quartz Creek is considered high quality for cold water aquatic life and salmonid spawning beneficial uses. The water quality relevant to these uses must be maintained and protected, unless lowering water quality is 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 uses of Quartz Creek (IDAPA 58.01.02.052.06). The pollutant of concern is sediment. The project has a site specific SWPPP with BMPs outlined to minimize sedimentation and erosion impacts. All BMPs will be maintained until the project is completed and disturbed areas are stabilized. BMPs will include the applicant ceasing construction activities during storm events, equipment and heavy machinery will work from the bank and not enter the channel, complying with state and federal standards when dewatering the stream, preparing a spill plan, reseeding disturbed soils, and utilizing BMP's such as silt fencing and fiber wattles to prevent sediment from entering the stream during construction. Turbidity should be monitored during rewatering to reduce sediment impacts to the stream. 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 shall be implemented to minimize or prevent future sediment contributions from the project area. The provisions in the federal permit and the conditions of this certification ensure that degradation to the ID17060306CL039_02 (Shanghai Creek and tributaries) AU or Quartz Creek will not occur. DEQ concludes that this project complies with the Tier II provisions of IDAPA 58.01.02.051.02, 58.01.02.052.06, and 58.01.02.052.08.

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

The following conditions ensure the SH-11 Quartz Creek (Jaype) Bridge Replacement project complies with Idaho's water quality standards and other appropriate water quality requirements of state law applicable to Quartz Creek.

3.1 General Conditions

This certification is based on the certification request submitted by the Idaho Transportation Department – District 2 on 8/16/2023, 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's water quality standards.

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 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 the 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 ensures 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 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 the new name. This condition ensures that, if ownership changes, DEQ has the minimum information to support ongoing compliance with 33 U.S.C. § 1341, 40 CFR 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 shall 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 ensures 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 shall ensure the contractors are informed of and follow all the conditions described in this certification and the federal permit.

   This condition ensures 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 storm water to waters of the state, then coverage under the DEQ Construction General Permit Program may be required.

   This condition ensures that work authorized under the federal permit complies with water quality requirements prohibiting unauthorized storm water 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

Conditions 3.2.1 through 3.2.3 are necessary for the protection of beneficial uses according to Idaho's water quality standards, including without limitation IDAPA 58.01.02.051, IDAPA 58.01.02.200, IDAPA 58.01.02.210, 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. 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 shall 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 shall 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

Conditions 3.3.1 through 3.3.8 are necessary for the protection of 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 shall 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 to provide long-term sediment and erosion control and prevent excess sediment from entering waters of the state.
3. 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.
4. A BMP inspection and maintenance plan shall be developed and implemented. At a minimum, BMPs shall be inspected and maintained daily during project implementation and replaced or augmented if they are not effective.
5. 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.
6. Disturbed areas suitable for vegetation will be seeded or revegetated to prevent subsequent soil erosion (EPA 2000).
7. Maximum fill slopes will be material that is structurally stable once placed and does not slough into the stream channel during construction, during periods before revegetation, or after vegetation is established.
8. Sediment from disturbed areas or sediment that can be tracked by vehicles onto pavement shall not leave the site in amounts reasonably 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, shall be used when earth-moving equipment will be leaving the site and traveling on paved surfaces to prevent track-out.

3.4 Turbidity

Conditions 3.4.1 through 3.4.4 are necessary for the protection of beneficial uses according to Idaho's water quality standards, 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, and IDAPA 58.01.02.400.

1. Sediment resulting from this activity shall be mitigated to prevent violations of the turbidity standards stipulated in Idaho's water quality standards. Any violation of this standard shall be reported to the DEQ regional office immediately.

2. Containment measures such as silt curtains, geotextile fabrics, and silt fences shall 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 shall 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 water quality standards, and the permittee shall inspect the condition of the project BMPs. If the BMPs appear to be functioning improperly, then corrective action shall be taken, and the permittee shall 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 before each use or according to the manufacturer'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 shall 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 shall be recorded before monitoring downstream. A sample shall 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 shall be recorded for each sample. The downstream sample shall be taken immediately following the upstream sample to obtain meaningful and representative results.

    b. Results from the downstream sampling location shall be compared to the upstream sample location or background turbidity to determine whether project activities are causing an exceedance of Idaho's water quality standards. If the downstream turbidity is 50 nephelometric turbidity units (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 shall 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 10 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 shall be available to DEQ upon request. The report shall 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 shall 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 shall 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

Conditions 3.5.1 through 3.5.10 are necessary for the protection of 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. Work in open water shall 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, take appropriate measures to ensure disturbance to the waters of the state is minimized.
2. Construction affecting the bed or banks shall occur only during periods of low flow.
3. Fording the channel is not permitted. Build temporary bridges or other structures if crossings are necessary.
4. Temporary crossings shall be perpendicular to channels and located in areas with the least impact. The temporary crossings shall be supplemented with clean gravel or treated with other mitigation methods at least as effective in reducing impacts. Temporary crossings shall be removed as soon as possible after the project is completed or the crossing is no longer needed.
5. Heavy equipment working in wetlands shall be placed on mats or suitably designed pads to prevent damage to the wetlands.
6. Activities in spawning areas shall be avoided to the maximum extent practicable.
7. Work in waters of the state shall be restricted to areas specified in the application.
8. Measures shall be taken to prevent wet concrete from entering waters of the state when placed in forms and/or from truck washing.
9. Stranded fish found in dewatered segments should be moved to a location (preferably downstream) with water and pumps utilized for dewatering will be fitted with appropriately sized mesh screens.
10. To minimize sediment transport, stream channel or streambank stabilization shall be completed before returning water to a dewatered segment.

3.6 Vegetation Protection and Restoration

Conditions 3.6.1 through 3.6.4 are necessary for the protection of 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. 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 and adjacent wetlands.
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 shall be successfully reestablished to benefit water quality at pre-project levels or improved at the completion of authorized work.

3.7 Management of Hazardous or Deleterious Materials

Conditions 3.7.1 through 3.7.9 are necessary for the protection of beneficial uses according to 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, and IDAPA 58.01.02.850.

1. 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 shall 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. Secondary containment is required for chemical materials.
3. Vegetable-based hydraulic fluid should be used on equipment operating in or directly adjacent to the channel if this fluid is available.
4. Daily inspections of all fluid systems on equipment to be used in or near waters of the state shall ensure no leaks or potential leaks exist before equipment use. A logbook of daily equipment inspections shall be kept on site and provided to DEQ upon request.
5. Equipment and machinery shall be removed from the vicinity of the waters of the state before refueling, repair, and/or maintenance.
6. Equipment and machinery shall 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 shall not enter waters of the state.
7. Emergency spill response procedures shall be in place and include a spill response kit (e.g., oil absorbent booms or other equipment).
8. If an unauthorized release of hazardous material to state waters or to land occurs and there is a likelihood it will enter state waters, the responsible persons in charge shall:
   a. Make every reasonable effort to abate and stop a continuing spill.

b. Make every reasonable effort to contain spilled material so 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 Lewiston Regional Office: (208) 799-4370.

9. Collect, remove, and properly dispose of spill and cleanup materials in a manner approved by DEQ.

3.8 Culverts

Conditions 3.8.1 through 3.8.5 are necessary to control erosion, sediment, and turbidity for the protection of 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 shall 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 shall not constrict the stream channel and shall not be angled so the outflow is directed toward the streambank. 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.
3. The culvert shall be installed so it does not impede fish passage.
4. The 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.
5. Culverts shall 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) shall 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 shall 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 shall be taken to avoid excess application and introduction of chemicals into waters of the state.

4 Required Notification

The permittee shall notify the Lewiston 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 Sujata Connell 208-799-4370 or email at Sujata.Connell@deq.idaho.gov.

Sujata Connell

Sujata Connell
Water Quality Manager
Lewiston Regional Office

References

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