Idaho Department of Environmental Quality
Final Section 401 Water Quality Certification

May 29, 2025

Project Name: Simplot – Wendell, ID Rail Spur, NWW-2025-00122

Permit Name and Number: Nationwide Permit 14, Linear Transportation Projects

Applicant/Authorized Agent: Shaun Rowe, JR Simplot Co.; Ryan Tobias, Haley & Aldrich, Inc.

Project Location: T 8S R 15E SEC 3/LOT 3 W of W-9 Canal; Wendell, Gooding County, ID; 42.764813°N, -114.690026°W

Receiving Water Body: Lateral W-9 Canal, Snake 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); 40 CFR § 121; 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 or licenses and issue water quality certification decisions.

In accordance with federal regulations at 40 CFR § 121.4, 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 2/27/2025. DEQ reviewed the prefiling meeting request and determined that necessary project information submitted with advance notice was sufficient to evaluate potential water quality impacts to act on the certification request within a reasonable period of time.

Based upon review of the federal permit application, readily available water quality related materials, and certification request in accordance with 40 CFR §§ 121.5 (b) and (c) and 121.7 (c), received on, 4/1/2025, DEQ, certifies that if the permittee complies with the terms and conditions imposed by the federal 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.

Pursuant to Clean Water Act § 401 (a)(1) and 40 CFR § 121.7 (d); and IDAPA 58.01.02.052.08, DEQ issued a 19-day public notice to solicit comments on the draft certification on 5/9/2025 through 5/28/2025 Any public comments received during the 19-day comment period were considered by DEQ to inform the certification decision and conditions.

Accessibility Services: The Idaho Department of Environmental Quality will provide reasonable language access services and/or disability services for documents at no charge. To request an accommodation under Title VI of the Civil Rights Act of 1964 or Americans with Disabilities Act, contact DEQ's nondiscrimination coordinator at (208) 373-0271 or accessibility@deq.idaho.gov. Para obtener información en español, visite https://www.deq.idaho.gov/about-us/accessibility/.

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 proposed project will construct a rail spur crossing the Lateral W-9 canal onto Parcel RP08S15E033000. A 72-inch, 124-foot-long culvert will be installed to allow canal flow beneath the tracks. The total disturbance below the ordinary high water mark will be approximately 124 linear feet (750 square feet), with permanent impacts to 0.09-acres of wetlands. Efforts have been made to minimize environmental effects, but unavoidable impacts to Wetlands A and B and the canal are expected. Prior to construction, equipment will be inspected, maintained, and staged within designated limits. Erosion controls and best management practices (BMPs) will be implemented to prevent unintended environmental damage. No machinery or contamination will enter the canal or wetlands. Given the minimal disturbance anticipated, no mitigation plan is proposed.

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 this pollutant.

2.2 Receiving Water Body Level of Protection

This project is located on the Lateral W-9 Canal, which is not within the AU database maintained by DEQ, nor is it part of the National Hydrography Dataset. This waterway is within the Upper Snake-Rock Subbasin. The Lateral W-9 Canal is not designated in Idaho's water quality standards and is considered a man-made waterway (IDAPA 58.01.02.010.58). DEQ protects such waterways for the use for which they were developed, namely agricultural water supply (IDAPA 58.01.02.101.02). DEQ will provide Tier I protection for only this waterbody. 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).

In addition, the Lateral W-9 Canal drains to the Snake River within the Upper Snake-Rock subbasin assessment unit (AU) Snake River – Rock Creek to Box Canyon Creek ID17040212SK007_07. According to IDAPA 58.01.02.150.14, this AU has the following designated beneficial uses: cold water aquatic life, salmonid spawning, and primary contact recreation. In addition to these uses, all waters within the state are protected for agricultural and industrial water supply, wildlife habitat, and aesthetics (IDAPA 58.01.02.100).

The only pollutant of concern associated with this project is sediment. Given that sediment primarily affects aquatic life at concentrations significantly lower than recreational uses and does not degrade water quality necessary to support contact recreation uses, DEQ focuses its sediment evaluations on aquatic life protections. Consequently, DEQ does not conduct a Tier II antidegradation analysis for contact recreation uses when sediment is the sole pollutant of concern, as aquatic life protections inherently address the more sensitive endpoints (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.

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). Before developing the

TMDL, the water quality standards require applying 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 this AU. The TMDL addresses concerns that were identified in The Upper Snake Rock Watershed Management Plan (DEQ 1999). Goals of the TMDL are to reduce sediment. Erosion control measures and BMPs will be implemented to minimize potential project impacts. Additionally, equipment will not be permitted to enter the active channel of the Lateral W-9 canal or adjacent wetlands, ensuring that no contaminated water or debris affects these sensitive areas.

Throughout the life of the project, the applicant will implement, install, maintain, monitor, and adaptively manage best management practices (BMPs) to reduce erosion and minimize turbidity levels in receiving water bodies downstream of the project. 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 water quality 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 conditions in this certification ensure 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.

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

The following conditions ensure the Simplot – Wendell, ID Rail Spur, NWW-2025-00122 project complies with Idaho's water quality standards and other appropriate water quality requirements of state law applicable to Snake River – Rock Creek to Box Canyon Creek.

3.1 General Conditions

This certification is based on review of the federal permit application, readily available water quality related materials, and certification request submitted by the JR Simplot Co. on 4/1/2025 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 this certification in accordance with 40 CFR § 121.10 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 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 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 must 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 United States, then coverage under the IPDES 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.

6. The applicant shall provide access to the project site upon request by DEQ personnel for site inspections, monitoring, and/or to ensure that conditions of this certification are being met.

3.2 Fill Material

The following conditions 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 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. When sand is utilized as fill material, appropriate BMPs shall be implemented to ensure sand will not be easily dispersed (e.g., filter fabric anchored over the sand or other confinement).
3. Temporary fills will be removed in their entirety on or before construction completion.
4. Fill material shall not be placed in a location or in a manner that impairs surface or subsurface water flow into or out of any wetland area.
5. Placement of fill material in existing vegetated wetlands shall be minimized to the greatest extent possible.
6. 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 United States.

3.3 Erosion and Sediment Control

The following conditions 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 consistency with 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. Temporary and permanent erosion and sediment control measures shall be installed around the perimeter of the project or initial work areas to control and prevent excess sediment from entering waters of the United States.
3. Temporary and permanent erosion and sediment control measures shall be installed at the earliest practicable time consistent with good construction practices and shall be maintained as necessary throughout the project.
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 United States.
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 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 United States 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 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.
9. Sediment from disturbed areas or sediment that can be tracked by vehicles onto pavement must not leave the site in amounts reasonably expected to enter waters of the United States. 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 to prevent track-out.

3.4 Turbidity

The following conditions 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 must be mitigated to prevent violations of the turbidity standards stipulated in 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 United States 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 water quality standards, and the permittee must inspect the condition of the project BMPs. If the BMPs appear to be functioning improperly, 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 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 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 before monitoring downstream. 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 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 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 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 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 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 must be kept to a minimum and only when necessary. Equipment shall work from an upland site to minimize disturbance of waters of the United States. If this is not practicable, take appropriate measures to ensure disturbance to the waters of the United States is minimized.
2. Construction affecting the bed or banks shall occur only during periods of low flow and/or corresponding with appropriate in-water work periods for aquatic life.
3. Heavy equipment working in wetlands shall be placed on mats or suitably designed pads to prevent damage to the wetlands.
4. In-water activities in spawning areas shall be avoided to the maximum extent practicable during spawning and incubation periods.
5. Work in waters of the United States shall be restricted to areas specified in the application.
6. Measures shall be taken to prevent wet concrete from entering waters of the United States when placed in forms and/or from truck washing.

3.6 Vegetation Protection and Restoration

The following conditions 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.

3. Where possible, alternative equipment should be used (e.g., spider hoe or crane).
4. Disturbance of existing wetlands and native vegetation shall be protected to the extent possible to minimize soil disturbance, erosion, delivery of sediment to the waterway, and minimize the effect of construction activities on aquatic biota.
5. 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 within the current or next appropriate planting season.

3.7 Management of Hazardous or Deleterious Materials

The following conditions 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 United States. Adequate measures and controls must ensure that those materials will not enter waters of the United States because of high water, precipitation runoff, wind, storage facility failure, accidents, or unauthorized third-party activities.
2. Secondary containment is required for chemical materials.
3. Vegetable-based or environmentally acceptable lubricants 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 United States 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 United States 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 United States. Any wastewater or wash water must not enter waters of the United States.
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 waters of the United States or to land occurs and there is a likelihood it will enter waters of the United States, 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 so it will not reach surface or ground waters of the United States.
    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.

9. Collect, remove, and properly dispose of spill and cleanup materials in accordance with all federal, state, and local regulations.

3.8 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 United States. 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.

All treated wood must be treated in a manner consistent with the pesticide's EPA-approved labeling. As a matter of good industry practice, pressure-treated wood ties are also to be treated in accordance with standards established by the American Wood Protection Association. Additionally, only wood treated with ACQ, ACZA, CA-B, and copper naphthenate may be used. Any wood treated with creosote, CCA, Penta, or any other type of chemical will not be covered under this water quality certification without a completed individual Endangered Species Act (ESA) consultation.

The following conditions 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.

1. Adhere to the manufacturer's guidelines for proper storage, handling, and usage.
2. Materials should be stored out of direct soil or standing water, away from drainage conveyances adjacent to waters of the United States and covered until needed for use.
3. Set up a controlled workspace or designated work area with barriers to capture and contain debris to prevent it from spreading.
4. Collect and properly dispose of sawdust and wood scraps in accordance with federal, state, and local regulations. Treated wood waste should not be burned or composted.

3.9 Pollutants/Toxins

In conformance with IDAPA 58.01.02.200, the use of chemicals such as sterilants, growth inhibitors, fertilizers, and deicing salts during construction 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 United States.

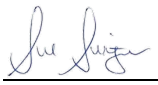
4 Required Notification

The permittee must notify the Twin Falls Regional Office when authorized work begins and if the applicant or organization is transferred or changes.

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 Jake Barnes, Twin Falls Regional Office – 650 Addison Avenue W. Suite 110 Twin Falls, ID, 208-736-2190, jake.barnes@deq.idaho.gov.



Sue Switzer
Regional Administrator
Twin Falls Regional Office

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