



## Idaho Department of Environmental Quality Final Section 401 Water Quality Certification

December 23, 2025

**Project Name:** Farmway West Subdivision, NWW-2025-00413

**Permit Name and Number:** Nationwide Permit 29, Residential Developments

**Applicant/Authorized Agent:** Dean Waite, Todd Campbell Construction and Carlton Strough, Ardurra Group

**Project Location:** The project is located at 4202 Farmway Road, Caldwell, Canyon County, Idaho; Parcel R3259900000. 43.630863°, -116.714978°

**Receiving Water Body:** Bardsley Gulch Drain and Unnamed Canals, Wilson Creek

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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. Consistent with DEQ's May 6, 2024, *Scope Directive for 2023 Clean Water Act § 401 Water Quality Certifications for § 404 Permits* (Scope Directive), this review is limited to the water quality-related impacts from the activity subject to the US Army Corps of Engineers (USACE) § 404 permit, including the activity's construction and any integral operational elements directly tied to that activity. DEQ's review does not extend to general project operations or ancillary upland activities that are subject to other federal, state, or local regulatory authorities. Moreover, the US Environmental Protection Agency's (EPA) May 21, 2025, clarification memorandum reiterates that CWA § 401 is limited to considering adverse impacts to water quality, and only insofar as they may prevent compliance with applicable water quality requirements. Conditions or denials may not be based on impacts unrelated to water quality or not within the scope of the federal permit.

In accordance with federal regulations at 40 CFR § 121.4, all project proponents must submit a request for a pre-filing meeting at least thirty days in advance of submitting a certification request. A pre-filing meeting request was received by DEQ on 9/15/2025. DEQ reviewed the pre-filing 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.

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Based upon review of the federal joint 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, 11/3/2025, 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. This finding is based on DEQ's evaluation of the water quality-related impacts from the activity subject to the § 404 permit, consistent with DEQ's May 6, 2024, Scope Directive and EPA's May 21, 2025, clarification. Potential impacts unrelated to the permitted activity, or regulated under other authorities, were not evaluated or conditioned under this certification.

Pursuant to Clean Water Act § 401 (a)(1) and 40 CFR § 121.7 (d); and IDAPA 58.01.02.052.08, DEQ issued a 21-day public notice to solicit comments on the draft certification on 12/1/2025 through 12/22/2025. Any public comments received during the 21-day comment period were considered by DEQ to inform the certification decision and conditions.

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 proposes to construct the Farmway West Subdivision in Caldwell, ID. Project development will either fill or pipe approximately 0.31 acres of earthen irrigation ditches and 0.15 acres of the Bardsley Gulch Drain. This includes installing 1,468 feet of new piping in the Bardsley Gulch Drain and 888 feet of piping in Ditch #3 (unnamed canal); the remaining on-site ditches will be filled and removed from service. To reduce impacts, work will occur outside of the irrigation season (October–March), during low-flow periods, and implement sediment and erosion control best management practices (BMPs). Temporarily disturbed areas will be stabilized immediately with topsoil and reseeded with native or locally appropriate species.

Project activities include:

- Establishing staging areas and BMPs; and diverting flow if needed
- Excavating channels and preparing compacted foundations
- Installing PVC piping (48" for Ditch #3; 24" and 60" for Bardsley Gulch)
- Connecting sections, backfilling, and compacting
- Installing riprap aprons at inlet/outlet headwalls
- Restoring disturbed areas with soil and reseeding

## 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.

The project may result in short-term increases in suspended sediment during construction activities. These sediment effects are evaluated in the context of the § 404 activity footprint and immediate downstream effects.

### 2.2 Receiving Water Body Level of Protection

This project is located on the Bardsley Gulch drain and unnamed canals within the Middle Snake-Succor subbasin and is not within the Assessment Unit (AU) database maintained by DEQ, nor is it part of the National Hydrography Dataset. The Bardsley Gulch drain and unnamed canals are not designated in Idaho's water quality standards and are 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 only for this water body. 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).

### **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).

Throughout the life of the project, the applicant will implement, install, maintain, monitor, and adaptively manage BMPs—such as silt curtains, geotextile fabrics, and silt fences—to reduce erosion and minimize sediment suspension, turbidity, and the potential for spills or mishaps to affect surface waters downstream of the project. In addition, permanent erosion and sediment controls must 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 Farmway West Subdivision project complies with Idaho's water quality standards and other appropriate water quality requirements of state law applicable to the Bardsley Gulch drain and unnamed canals.

### 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 Dean Waite, Todd Campbell Construction on 11/3/2025, 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.

The following conditions apply solely to the activity subject to the § 404 permit. They are necessary to assure compliance with applicable water quality requirements as required by 40 CFR 121.3. Conditions do not extend to aspects of general project operation or unrelated upland activities regulated under other programs. 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. 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.
2. 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 DEQ approves the methodology in writing.
3. 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).
4. Temporary fills will be removed in their entirety or before construction completion.
5. 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.

6. Placement of fill material in existing vegetated wetlands shall be minimized to the greatest extent possible.
7. 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 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 project areas suitable for vegetation—whether near waters of the United States or elsewhere—must be seeded or revegetated to stabilize soils and prevent erosion to the maximum extent practicable (EPA 2000). No specific buffer width is required; instead, revegetation must occur wherever soils can support vegetative growth. Where project plans include riparian buffers or restoration areas, those areas must also be revegetated consistently with the approved design and site conditions.
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—including BMP failures, construction mishaps, spills, or any unplanned event—must be mitigated to prevent violations of Idaho's water quality standards. Any violation of this standard must be reported to the DEQ regional office immediately.
2. Throughout the life of the project, the applicant will implement, maintain, monitor, and adaptively manage BMPs—such as silt curtains, geotextile fabrics, and silt fences—to minimize instream sediment suspension, turbidity, and the potential for spills or mishaps to affect surface waters. 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. Visual observation is acceptable to determine whether project activities, BMPs, or unanticipated events (e.g., construction mishaps or spills) are contributing to increased turbidity. If a sediment plume is observed, the project may be causing an exceedance of water quality standards, and the permittee must inspect BMPs and the project activity area to identify the cause. If the BMPs, site conditions, or any incident are contributing to turbidity, the permittee must take corrective measures and modify the activity, address the incident, and implement additional or revised BMPs.
4. If a visible sediment plume persists after corrective measures have been implemented, turbidity monitoring consistent with Table 1 is required.
  - a. A properly and regularly calibrated turbidimeter is required for field measurements. The turbidimeter should be calibrated before each use or in accordance with the manufacturer's recommendations. Calibration logs must be maintained and made available to DEQ upon request. Instantaneous grab samples must be collected upstream of the disturbance to determine background turbidity and downstream within the visible plume to evaluate project impacts. Location, date, time, and turbidity values must be recorded for each sample.
  - 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. Work (or earth-disturbing activities) may resume when turbidity readings return to within 50 NTU above background, or if turbidity has exceeded 25 NTU above background for more than 10 consecutive days, once readings have remained below 25 NTU above background for at least 24 consecutive hours.

- d. Daily turbidity monitoring logs must be available to DEQ upon request. Logs must describe all exceedances, the causes (including spills or incidents, if applicable), corrective measures taken, and the effectiveness of those measures.

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

| <b>Turbidity Above Background<sup>a</sup></b> | <b>Monitoring/Sampling Frequency<sup>a</sup></b>   | <b>Additional Actions Required</b>  |
|---|--|---|
| 0 to 24 NTU                                   | Visual monitoring every 2 hours. No sampling required.                                       | None  |
| 25 to 49 NTU                                  | Collect samples every 2 hours.   | Continue work for up to 8 hours within any 24-hour period, then STOP work until turbidity returns to acceptable levels. |
| 25 NTU for 10 or more consecutive days        | Sample before and after implementing corrective actions, following instructions <sup>b</sup> | STOP work, implement corrective actions, and follow instructions <sup>b</sup> ; notify DEQ regional office              |
| 50 NTU or more                                | Sample before and after implementing corrective actions, following instructions <sup>c</sup> | STOP work, implement corrective actions, and follow instructions <sup>c</sup> ; notify DEQ regional office              |

- a. For any required turbidity sampling, collect and report three measurements at each monitoring location. Use the maximum value of the three measurements to determine compliance following Table 1 directions.
- b. Instructions: If BMPs appear to be functioning properly, the permittee must modify the activity or implement corrective actions, such as installing additional or modifying existing BMPs, until turbidity measurements indicate turbidity standards are met. Sampling may cease once a sediment plume is no longer observed. Work may resume when the sediment plume is no longer visible and turbidity measurements remain consecutively below 25 NTU.
- c. Instructions: If BMPs appear to be functioning properly, the permittee must modify the activity or implement corrective actions, such as installing additional or modifying existing BMPs, until turbidity measurements indicate turbidity standards are met. Sampling may cease once a sediment plume is no longer observed. Work may resume when the sediment plume is no longer visible and turbidity measurements remain 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. When practicable, equipment should work from an upland site to minimize disturbance of waters of the United States.
2. Construction affecting the bed or banks should generally occur during low-flow periods, and where practicable, coincide with suitable in-water work periods for aquatic life.
3. To the maximum extent practicable, where fill is needed, temporary crossings should be installed perpendicular to the channel and located in areas that will result in the least environmental impact. Temporary crossings must be stabilized with clean gravel or treated with other measures that are equally effective in reducing impacts. All temporary crossings must be removed as soon as practicable after project completion or when they are no longer needed.
4. To the maximum extent practicable, heavy equipment operating in wetlands should be placed on mats or suitably designed pads to prevent damage to wetland soil and vegetation. However, during winter conditions, mats or pads may not be required if the ground is adequately frozen and construction activities are expected to result in minimal impacts.

5. Wastewater from concrete washout and equipment cleaning shall be managed to prevent discharge to waters of the United States. Control measures shall be maintained to prevent or minimize the potential for wet concrete, slurry, or wash water from entering waters of the United States.

### **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 practicable, locate staging areas and access points in open, upland areas.
  - a. Fencing and other protective barriers should be used to clearly mark construction areas.
  - b. To the maximum extent practicable, minimize disturbance of native vegetation to reduce soil erosion, sediment delivery to waterways, and impacts to aquatic biota, including Bull Trout.
2. Existing riparian vegetation within the project area shall remain undisturbed to the maximum extent practicable. Where disturbance is unavoidable, implement BMPs to minimize impacts and replant disturbed areas with native riparian species that provide equivalent or improved shading, bank stability, and habitat functions within the current or next appropriate planting season.
3. Where project activities unavoidably remove native riparian or wetland vegetation, successfully reestablish native species within the current or next appropriate planting season to the maximum extent practicable. Restoration must achieve, at minimum, pre project levels of water quality benefit or result in an overall ecosystem improvement.

### **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 must be provided for all chemical materials stored or used on-site to prevent spills, leaks, or releases to soil or waters of the United States. Containment systems should be designed and maintained in accordance with applicable industry standards and manufacturer recommendations.
3. To the maximum extent practicable, equipment operating over water or directly adjacent to the channel shall utilize environmentally acceptable lubricants or hydraulic

fluids that are less toxic to fish and other aquatic organisms. *Note: this condition applies only to activities subject to jurisdiction under the waters of the United States.*

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 not be refueled, repaired, or serviced within waters of the United States.
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 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 Boise Regional Office: (208) 373-0550.
9. Collect, remove, and properly dispose of spill and cleanup materials in accordance with all federal, state, and local regulations.

### **3.8 Dredge Material Management**

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

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

### **3.9 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 Boise 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 Meghan Cline in the Boise Regional Office at [Meghan.Cline@deq.idaho.gov](mailto:Meghan.Cline@deq.idaho.gov) or (208) 373-0514.



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Troy Smith  
Regional Administrator  
Boise Regional Office

## References

DEQ (Idaho Department of Environmental Quality). 2020. *Idaho Catalog of Storm Water Best Management Practices*. Boise, ID. <https://www.deq.idaho.gov/water-quality/wastewater/storm-water/>

DEQ (Idaho Department of Environmental Quality). 2024. *Idaho Department of Environmental Quality 2024 Integrated Report*. Boise, ID. <https://www2.deq.idaho.gov/admin/LEIA/api/document/download/23740>

EPA (US Environmental Protection Agency). 2000. *National Menu of Best Management Practices (BMPs) for Stormwater*. <https://www.epa.gov/npdes/national-menu-best-management-practices-bmps-stormwater>

RSET (Northwest Regional Sediment Evaluation Team). 2018. *Sediment Evaluation Framework for the Pacific Northwest*. Prepared by the RSET Agencies. <https://usace.contentdm.oclc.org/utis/getfile/collection/p16021coll11/id/2548>