



STATE OF IDAHO
DEPARTMENT OF
ENVIRONMENTAL QUALITY

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www.deq.idaho.gov

C.L. "Butch" Otter, Governor
Curt Fransen, Director

June 18, 2015

The Honorable Merlin Smedley
Mayor, City of Burley
1401 Overland Avenue
Burley, Idaho 83318

Mr. David Waldron, P.E.
Forsgren Associates
370 East 500 South, Suite 200
Salt Lake City, Utah 84111

RE: Section 401 Water Quality Certification for NWW-2015-46-I01; City of Burley Industrial
WWTP Force Main Pipeline Project

Dear Mayor Smedley and Mr. Waldron:

The Idaho Department of Environmental Quality (DEQ) conducted a public notice of twenty-one (21) days for the above referenced project. The comment period was from May 21, 2015 through June 11, 2015. No public comments were received by DEQ in the Twin Falls Regional Office. However, two internal DEQ comments were received and these have been incorporated into the final 401 water quality certification. Therefore, DEQ is pleased to issue this final certification.

If the project is conducted according to the terms and conditions of the U.S. Army Corps of Engineers' NWW permit and the 401 water quality certification, then there is reasonable assurance the activity will comply with the applicable requirements of Sections 301, 302, 306, and 307 of the Clean Water Act, the Idaho Water Quality Standards (IDAPA 58.01.02) and other appropriate requirements of state law.

If you have any questions or concerns, please contact Dr. Balthasar Buhidar at (208) 736-2190 or at balthasar.buhidar@deq.idaho.gov.

Sincerely,

A handwritten signature in blue ink that reads "Dave Anderson".

Dave Anderson
Regional Administrator

DA:BBB:sg

Enclosure (1)

c: Rob Brochu, USACOE-Idaho Falls Regulatory Office
Michael McIntyre, DEQ State Office
Joe Otero, DEQ Twin Falls Regional Office



Idaho Department of Environmental Quality Final §401 Water Quality Certification

June 17, 2015

404 Permit Application Number: NWW-2015-46-I01 / Burley Industrial Snake River Force Main Pipeline Project

Applicant/Authorized Agent: City of Burley / Forsgren Associates

Project Location: Township 10 South, Range 23 East, Section 16, Southeast ¼ Southeast ¼, 42.5488° N, -113.7657° W

Receiving Water Body: Snake River – Heyburn/Burley Bridge to Milner Dam

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

Based upon its review of the joint application for permit, publicly noticed on May 20, 2015, DEQ certifies that if the permittee complies with the terms and conditions imposed by the permit along with the conditions set forth in this water quality certification, then there is reasonable assurance the activity will comply with the applicable requirements of Sections 301, 302, 303, 306, and 307 of the Clean Water Act, the Idaho Water Quality Standards (WQS) (IDAPA 58.01.02), and other appropriate water quality requirements of state law.

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

Project Description

The purpose for this project is to replace an aging 22-year old sewer force main welded steel sewer pipeline crossing of the Snake River located about 1700 feet downstream of the Highway 30 Bridge over the Snake River and about 800 feet downstream of the Burley Airport. This is also about 230 feet downstream from the Railroad Bridge. The new pipeline will be HDPE fusion welded steel pipe placed inside of a HDPE fusion welded casing; for a total of 14" inside diameter.

Antidegradation Review

The WQS contain an antidegradation policy providing three levels of protection to water bodies in Idaho (IDAPA 58.01.02.051).

- Tier 1 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 1 review is performed for all new or reissued permits or licenses (IDAPA 58.01.02.052.07).
- Tier 2 Protection. The second level of protection applies to those water bodies considered high quality and ensures that no lowering of water quality will be allowed unless deemed necessary to accommodate important economic or social development (IDAPA 58.01.02.051.02; 58.01.02.052.08).
- Tier 3 Protection. The third level of protection applies to water bodies that have been designated outstanding resource waters and requires that activities not cause a lowering of water quality (IDAPA 58.01.02.051.03; 58.01.02.052.09).

DEQ is employing 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 1 protection for that use, unless specific circumstances warranting Tier 2 protection are met (IDAPA 58.01.02.052.05.c). The most recent federally approved Integrated Report and supporting data are used to determine support status and the tier of protection (IDAPA 58.01.02.052.05).

Pollutants of Concern

The primary pollutant of concern for this project is sediment based on the type of activity that is proposed. As part of the Section 401 water quality certification, DEQ is requiring the applicant comply with various conditions to protect water quality and to meet Idaho WQS, including the water quality criteria applicable to sediment.

Receiving Water Body Level of Protection

This project is located on the Snake River within the Lake Walcott Subbasin assessment unit (AU) ID17040209SK001_07 (Snake River – Heyburn/Burley Bridge to Milner Dam). This AU has the following designated beneficial uses: primary contact recreation and warm water aquatic life (IDAPA 58.01.02.150.11). 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 2012 Integrated Report, this AU is not fully supporting one or more of its assessed uses. The aquatic life use is not fully supported. Causes of impairment include total phosphorus (TP). As such, DEQ will provide Tier 1 protection (IDAPA 58.01.02.051.01) for the aquatic life use. The contact recreation beneficial use is unassessed. DEQ must provide an appropriate level of protection for the contact recreation use using information available at this time (IDAPA 58.01.02.052.05.c).

The only pollutant of concern associated with this project is sediment, but sediment is not relevant to recreational uses; therefore, it is unnecessary for DEQ to conduct a Tier 2 review for this AU because this project will not create impacts that could affect the recreation use.

Protection and Maintenance of Existing Uses (Tier 1 Protection)

As noted above, a Tier 1 review is performed for all new or reissued permits or licenses, applies to all waters subject to the jurisdiction of the Clean Water Act, and requires demonstration that existing uses and the level of water quality necessary to protect existing uses shall be maintained and protected. The numeric and narrative criteria in the WQS are set at levels that ensure protection of designated beneficial uses.

Water bodies not supporting existing or designated beneficial uses must be identified as water quality limited, and a total maximum daily load (TMDL) must be prepared for those pollutants causing impairment. Once a TMDL is developed, discharges of causative pollutants shall be consistent with the allocations in the TMDL (IDAPA 58.01.02.055.05). Prior to the development of the TMDL, the WQS require the application of the antidegradation policy and implementation provisions to maintain and protect uses (IDAPA 58.01.02.055.04).

During the construction phase, the applicant will implement, install, maintain, monitor, and adaptively manage best management practices (BMPs) directed toward reducing erosion and minimizing turbidity levels in receiving water bodies downstream of the project. In addition, permanent erosion and sediment controls will be implemented, which will minimize or prevent future sediment contributions from the project area. As long as the project is conducted in accordance with the provisions of the project plans, Section 404 permit, and conditions of this certification, then there is reasonable assurance the project will comply with the state's numeric and narrative criteria. These criteria are set at levels that protect and maintain designated and existing beneficial uses. The Snake River AU is not water quality impaired by any forms of sediment based on the approved Lake Walcott TMDL (2002); and therefore the informational TMDL for TSS does not apply for this AU. However, it does have a TMDL for total phosphorus; and thus the project will not contribute to this listed impairment. The TMDL does not provide a specific wasteload allocation for construction-type activities associated with TSS. However, construction activities are recognized as a major source of nonpoint source pollutants within the suburban and construction components of the TMDL (page 107, Table 26). Therefore, any construction-type activity cannot discharge TSS into the Snake River from suburban effects. The closest estimate would be 3.58 tons/day TSS (page 133, Table 37) based on existing urban land use sediment loading. Therefore, the proposed project will comply with the *Lake Walcott TMDL* by implementing the following best management practices during the construction activity to reduce erosional sediments from entering into the Snake River:

1. **Silt Snake**. A trackhoe will be used to excavate each streambank on the ingress (Heyburn side) and egress (Burley side) locations of the Snake River. The excavation, if at or under the water surface, will be protected with a silt snake. The silt snake will be at least 24" in diameter and will be staked to the riverbed on all three sides of the excavation locations. The maximum depth of water is anticipated to be 12". Once the excavation is completed, the silt will be allowed to settle and the silt snake will be removed. Any material that comes off of the silt lines that are removed shall be hauled to a landfill and will meet landfill requirements. This BMP ensures minimal amounts of sediment/silt will enter the Snake River from the ingress and egress locations. See also the section below on Erosion and Sediment Control.

2. Pipe Floating on Surface of River. The pipe will not be dragged across the substrate of river; but rather it will be floated on the surface of the river using boats. Several boats will be used to keep the pipe from floating downstream and from being dragged across the bottom of the Snake River. This BMP will not disturb the river substrate as it is being prepared for laying; and thus minimal impacts from sediment/silt will be disturbed from disturbance of the river substrate. See also the section below on Erosion and Sediment Control.
3. Concrete Filling of Anchor Pipe. Once the pipe is across the Snake River it will be emplaced in the excavated ingress and egress banks and slowly sunken to the bottom of the Snake River. A welded fitting onto the anchor pipe will allow a concrete truck to pump concrete into the anchor line. Concrete will be added until the anchor line is completely full of concrete and no water is in the anchor pipe. The pipeline will settle into the riverbed. The pipeline is expected to sink into the bed at least 12-18" (which is about the same depth the force main sank when installed in 1993). The speed that the pipe sinks will be slow based on the volume of concrete versus normal pumping rates. This will reduce the amount of silt being disturbed in the river bottom. The old or existing anchor pipe will be abandoned, but will be filled with concrete. Any water emanating from the anchor pipe due to the addition of concrete will be captured and hauled to the Burley Industrial WWTP. This BMP will cause minimal disturbance to the river substrate as the pipeline is allowed to sink and lay slowly to the river's substrate. See also the section below on Erosion and Sediment Control.
4. Riprap Placement. Once the pipe has settled on the bottom of the streambed, the ingress and egress banks where the pipe is located will be backfilled. The Heyburn ingress and the Burley egress sides will both have the pipe connected to manholes that are set on 12" compacted road base. The pipe will be laid on ½" pea gravel; covered by 2.5" minus washed rock; and then covered by 3" thick minimum D50 18" Ø Riprap. The riprap will be extended along the bank with filter gravel and pea gravel 60-feet upstream and downstream of the pipeline. This BMP will cause minimal disturbance along the ingress and egress streambank locations of the Snake River. The compacted road base will maintain performance structure to the pipe connection, thus preventing any unnecessary movement of the pipeline at these critical connection points. And the riprap will comply with IDWR riprap requirements; with the addition of filter gravel and pea gravel at upstream and downstream locations. See also the section below on Erosion and Sediment Control.
5. Type of Riprap. Riprap will be imported from areas around the state that will produce an angular, sound, non-rounded riprap with average size of 18" that fits to IDWR specifications. Drain gravel and pea gravel will be imported from local quarries and sources. The material that will be excavated from the ingress and egress locations will be discharged only to those treatment cells at the Burley Industrial WWTP that are explicitly allowed by the 404 permit. The soil will be spread adjacent to road areas and will be left smooth and hydroseeded as part of the erosion control work. The riprap shall be placed in the areas indicated not less than 3' thick, placed on 12" of 2.5" minus washed rock over 12" of pea gravel. This BMP complies with IDWR riprap requirements, as previously stated in paragraph 4. See also the section below on Erosion and Sediment Control.

6. Work Location. Most of the work will be done at the staging area on the Burley side. No excavation work will be done on the Snake River bed; as the pipeline will be floated across and sunk to the riverbed; thus reducing the amount of silt disturbance in the Snake River substrate. This BMP, as previously stated in paragraphs 2 and 3, further minimizes any unnecessary excavation work in the Snake River substrate and on the Heyburn ingress side.
7. Groundwater & Debris. The contractor shall not allow any groundwater or debris to enter the new force main pipe during construction. Groundwater must not discharge back to the Snake River. Groundwater will be discharged to the former treatment ponds located north of the construction area and adjacent to the Snake River; unless explicitly disallowed by the 404 permit. This BMP prevents any contaminated groundwater from entering the Snake River due to any project activity. Although this BMP does not address issues dealing with TSS, it does note that the project is preventing the entering of contaminated groundwater into the Snake River by having it treated at the treatment plant.
8. Fugitive Dust Control. Dust must be controlled by watering and at a rate that does not create flooding or erosion of the surrounding area. Southern Idaho is known for its windy conditions. The soil condition, primarily due to silt loam soils, creates dust issues than can create visual impairment to motorists driving along the nearby roads and highway. Utilization of watering trucks aids in dust abatement both into the nearby roads and into the Snake River. This BMP will not add to ground disturbance erosional activities by maintaining dust abatement controls on-site.

There is no available information indicating the presence of any existing beneficial uses aside from those that are already designated and discussed above; therefore, the permit ensures that the level of water quality necessary to protect both designated and existing uses is maintained and protected in compliance with the Tier 1 provisions of Idaho's WQS (IDAPA 58.01.02.051.01 and 58.01.02.052.07).

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

General Conditions

1. This certification is conditioned upon the requirement that any modification (e.g., change in BMPs, work windows, etc.) of the permitted activity shall first be provided to DEQ for review to determine compliance with Idaho WQS and to provide additional certification pursuant to Section 401. Such modifications may not be implemented until DEQ has determined whether additional certification is necessary.
2. DEQ reserves the right to modify, amend, or revoke this certification if DEQ determines that, due to changes in relevant circumstances—including without limitation, changes in project activities, the characteristics of the receiving water bodies, or state WQS—there is no longer reasonable assurance of compliance with WQS or other appropriate requirements of state law.

3. If ownership of the project changes, the certification holder shall notify DEQ, in writing, upon transferring this ownership or responsibility for compliance with these conditions to another person or party. The new owner/operator shall request, in writing, the transfer of this water quality certification to his/her name.
4. 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.
5. Project areas shall be clearly identified in the field prior to initiating land-disturbing activities to ensure avoidance of impacts to waters of the state beyond project footprints.
6. The applicant shall provide access to the project site and all mitigation sites upon request by DEQ personnel for site inspections, monitoring, and/or to ensure that conditions of this certification are being met.
7. 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 Section 404 permit.
8. If this project disturbs more than 1 acre and there is potential for discharge of stormwater to waters of the state, coverage under the EPA Stormwater Construction General Permit *must* be obtained. More information can be found at <http://yosemite.epa.gov/R10/WATER.NSF/NPDES+Permits/Region+10+CGP+resources>.

Fill Material

1. Fill material shall be free of organic and easily suspendable fine material. The fill material to be placed shall include clean earth fill, sand, and stone only.
2. 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.
3. Placement of fill material in existing vegetated wetlands shall be minimized to the greatest extent possible.
4. All temporary fills shall be removed in their entirety on or before construction completion.
5. Excavated or staged fill material must be placed so it is isolated from the water edge or wetlands and not placed where it could re-enter waters of the state uncontrolled.

Erosion and Sediment Control

1. BMPs for sediment and erosion control suitable to prevent exceedances of state WQS shall be selected and installed before starting construction at the site. One resource that may be used in evaluating appropriate BMPs is DEQ's *Catalog of Stormwater Best Management Practices for Idaho Cities and Counties*, available online at <http://www.deq.idaho.gov/media/494058-entire.pdf>. Other resources may also be used for selecting appropriate BMPs.
2. One of the first construction activities shall be placing permanent and/or temporary erosion and sediment control measures around the perimeter of the project or initial work areas to protect the project water resources.

3. Permanent erosion and sediment control measures shall be installed in a manner that provides long-term sediment and erosion control to prevent excess sediment from entering waters of the state.
4. 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 project operation.
5. Top elevations of bank stabilization shall be such that adequate freeboard is provided to protect from erosion at 100-year design flood elevation.
6. Structural fill or bank protection shall consist of materials that are placed and maintained to withstand predictable high flows in the waters of the state.
7. A BMP inspection and maintenance plan must be developed and implemented. At a minimum, BMPs must be inspected and maintained daily during project implementation.
8. BMP effectiveness shall be monitored during project implementation. BMPs shall be replaced or augmented if they are not effective.
9. All construction debris shall be properly disposed of so it cannot enter waters of the state or cause water quality degradation.
10. Disturbed areas suitable for vegetation shall be seeded or revegetated to prevent subsequent soil erosion.
11. Maximum fill slopes shall be such that material is structurally stable once placed and does not slough into the stream channel during construction, during periods prior to revegetation, or after vegetation is established.
12. To the extent reasonable and cost-effective, the activity submitted for certification shall be designed to minimize subsequent maintenance.
13. Sediment from disturbed areas or able to be tracked by vehicles onto pavement must not be allowed to leave the site in amounts that would reasonably be expected to enter waters of the state. Placement of clean aggregate at all construction entrances or exits and other BMPs such as truck or wheel washes, if needed, must be used when earth-moving equipment will be leaving the site and traveling on paved surfaces.

Turbidity

1. Sediment resulting from this activity must be mitigated to prevent violations of the turbidity standard as stipulated under the Idaho WQS (IDAPA 58.01.02). *Any violation of this standard must be reported to the DEQ regional office immediately.*
2. All practical BMPs on disturbed banks and within the waters of the state must be implemented to minimize turbidity. Visual observation is acceptable to determine whether BMPs are functioning properly. If a plume is observed, the project may be causing an exceedance of WQS and the permittee must inspect the condition of the projects BMPs. If the BMPs appear to be functioning to their fullest capability, then the permittee must modify the activity or implement additional BMPs (this may also include modifying existing BMPs).
3. 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.

4. Turbidity monitoring must be conducted, recorded, and reported as described below. Monitoring must occur each day during project implementation when project activities may result in turbidity increases above background levels. *A properly and regularly calibrated turbidimeter is required.*

A sample must be taken every 2 hours at a relatively undisturbed area approximately less than 300 feet up-current from in-water disturbance or discharge to establish background turbidity levels for each monitoring event. Background turbidity, location, date, and time must be recorded prior to monitoring down-current.

Monitoring must occur every 2 hours approximately 300 feet down-current from the in-water disturbance or point of discharge and within any visible plume. The turbidity, location, date, and time must be recorded for each sample or observation.

Results from the compliance point sampling must be compared to the background levels sampled during each monitoring event. If the downstream turbidity exceeds upstream turbidity by 50 nephelometric turbidity units (NTU) or more, the project is causing an exceedance of the WQS. If an exceedance occurs, the permittee must inspect the condition of the projects BMPs. If the BMPs appear to be functioning to their fullest capability, then the applicant must modify the activity (this may include modifying existing BMPs).

Copies of daily logs for turbidity monitoring must be submitted to DEQ in Excel format on the Monday following the week's activities at Balthasar.buhidar@deq.idaho.gov. The log must include background measurements (in NTUs) or observations; compliance point measurements or observations; comparison of background and compliance point monitoring as a numeric value (in NTUs) or in narrative form; and location, time, and date for each sampling event. The report must describe all exceedances and subsequent actions taken and the effectiveness of the action including subsequent monitoring.

Turbidity Monitoring and Compliance Requirements

To ensure compliance with Idaho's WQS, required monitoring steps shall include the following:

1. Choose and identify the following locations for each crossing:
 - a. **Background location:** A relatively undisturbed location unaffected by the construction activity, up-current from the permitted activity; and,
 - b. **Compliance location:** A location downcurrent from the permitted activity, within any visible plume, at the distance that corresponds to the size of the waterbody where work is taking place as listed on the table below:

Wetted Stream Width	Compliance Distance
Up to 30 feet	50 feet
>30 feet to 100 feet	100 feet
>100 feet to 200 feet	200 feet
>200 feet	300 feet

2. Conduct Compliance Monitoring with a Turbidimeter

- a. Measure turbidity at both background and compliance locations at the frequency directed in the tables below and record the date, time, location, and turbidity measurements in the daily log. The permittee must also record all controls and practices implemented at the start of the work.
- b. Turbidity measurements must be representative of stream turbidity when the activity is being conducted. *Measurements cannot be taken during a cessation of activity.*
- c. If the project causes turbidity levels to increase above 50 NTU over background, the permittee must implement additional controls and practices, resume work, and monitor both points again. A description of the additional controls and the date, time, and location where they are implemented must be recorded in the daily log.

Compliance Monitoring With a Turbidimeter

Allowable Exceedance in Turbidity	Action Required at 1st Monitoring Interval	Action Required at 2nd Monitoring Interval
0 to 24 NTU above background	Continue to monitor every 2 hours	Continue to monitor every 2 hours
25 to 49 NTU above background	Continue to monitor every 2 hours	STOP work after 8 hours/24-hour period
25 NTU above background for 10 or more consecutive days	STOP work and follow instructions in 2.c. above	
50 NTU or more above background (first occurrence)	STOP work and follow instructions in 2.c. above	
50 NTU or more above background (second occurrence)	STOP work and follow instructions in 2.c. above and notify DEQ Regional Office	

3. Reporting—Copies of daily logs for turbidity monitoring must be made available to DEQ (as noted in the previous section); and other local, state and federal regulatory agencies upon request. The log must include:
 - a. Background NTUs, compliance point NTUs, comparison of the points in NTUs, and location, time, and date for each reading.
 - b. A narrative discussing all exceedances, controls applied and their effectiveness, subsequent monitoring, work stoppages, and any other actions taken.

In-water Work

1. Work in open water is to be kept at a minimum and only when necessary. Equipment shall work from an upland site to minimize disturbance of waters of the state. If this is not practicable, appropriate measures must be taken to ensure disturbance to the waters of the state is minimized.
2. Construction affecting the bed or banks shall take place only during periods of low flow.
3. Forging of the channel is not permitted.
4. No temporary bridges or other structures shall be built; other than those allowed in the Section 404 permit and the Section 401 water quality certification.
5. Heavy equipment working in wetlands shall be placed on mats or suitably designed pads to prevent damage to the wetlands.

6. Work in waters of the state shall be restricted to areas specified in the application.
7. Measures shall be taken to prevent wet concrete from entering into waters of the state when placed in forms and/or from truck washing; or in other activities that require its use within waters of the state.
8. Activities that include constructing and maintaining intake structures must include adequate fish screening devices to prevent fish entrainment or capture.
9. Stranded fish found in dewatered segments should be moved to a location (preferably downstream) with water.
10. To minimize sediment transport, stream channel or stream bank stabilization must be completed prior to returning water to a dewatered segment.

Pollutants/Toxics

1. 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.

Vegetation Protection and Restoration

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

Dredge Material Management

1. Upland disposal of dredged material must be done in a manner that prevents the material from re-entering waters of the state.

Management of Hazardous or Deleterious Materials

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 must be in place to ensure that those materials will not enter waters of the state as a result of high water, precipitation runoff, wind, storage facility failure, accidents in operation, or unauthorized third-party activities.
2. Vegetable-based hydraulic fluid should be used on equipment operating in or directly adjacent to the channel if this fluid is available.

3. Daily inspections of all fluid systems on equipment to be used in or near waters of the state shall be done to ensure no leaks or potential leaks exist prior to equipment use. A log book of these inspections shall be kept on site and provided to DEQ upon request.
4. Equipment and machinery must be removed from the vicinity of the waters of the state prior to refueling, repair, and/or maintenance.
5. Equipment and machinery shall be steam cleaned of oils and grease in an upland location or staging area with appropriate wastewater controls and treatment prior to entering a water of the state. Any wastewater or wash water must not be allowed to enter a water of the state.
6. Emergency spill procedures shall be in place and may include a spill response kit (e.g., oil absorbent booms or other equipment).
7. In accordance with IDAPA 58.01.02.850, in the event of an unauthorized release of hazardous material to state waters or to land such that there is a likelihood that it will enter state waters, the responsible persons in charge must
 - a. Make every reasonable effort to abate and stop a continuing spill.
 - b. Make every reasonable effort to contain spilled material in such a manner that it will not reach surface or ground waters of the state.
 - c. Immediately notify DEQ of the spill by calling the Idaho State Communications Center at 1-800-632-8000.
 - d. Collect, remove, and dispose of the spilled material in a manner approved by DEQ.
8. In accordance with IDAPA 58.01.02.851.04, any aboveground spill or overfill of petroleum that results in a release that exceeds 25 gallons *or that causes a sheen on a nearby surface water* shall be reported to DEQ within 24 hours and corrective action in accordance with IDAPA 58.01.02.852 shall be taken.
9. In accordance with IDAPA 58.01.02.851.04, any aboveground spill or overfill of petroleum that results in a release less than 25 gallons *and does not cause a sheen on nearby surface water* shall be reported to DEQ by calling the Idaho State Communications Center at 1-800-632-8000 if cleanup cannot be accomplished within 24 hours.
10. Any release that causes a sheen (of any size) in waters of the state must be reported *immediately* to the National Response Center at 1-800-424-8802 and DEQ by calling the Idaho State Communications Center at 1-800-632-8000.

Required Notification

The permittee must notify the Twin Falls Regional Office when authorized work begins. Please contact Dr. Balthasar Buhidar at (208) 736-2190 or at Balthasar.buhidar@deq.idaho.gov.

Right to Appeal Final Certification

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

Questions or comments regarding the actions taken in this certification should be directed to Dr. Balthasar Buhidar, Twin Falls Regional Office, (208) 736-2190, or at Balthasar.buhidar@deq.idaho.gov.



David Anderson
Regional Administrator
Twin Falls Regional Office