



STATE OF IDAHO  
DEPARTMENT OF  
ENVIRONMENTAL QUALITY

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[www.deq.idaho.gov](http://www.deq.idaho.gov)

C.L. "Butch" Otter, Governor  
John H. Tippetts, Director

February 07, 2018

Jim Zarubica  
Galena Engineering  
317 N. River St.  
Hailey, Idaho 83313

Re: Reference No. NWW-2017-00182, Glendale Construction gravel extraction project

Dear Mr. Zarubica:

The Department of Environmental Quality (DEQ) has considered water quality certification for the contraction of the above reference project. DEQ is issuing the enclosed 401 Water Quality Certification subject to the terms and conditions therein.

If you have any questions or further information, please contact Sean Woodhead at (208) 736-2190 or at [sean.woodhead@deq.idaho.gov](mailto:sean.woodhead@deq.idaho.gov).

Sincerely,

A handwritten signature in blue ink, appearing to read "David Anderson".

David Anderson  
Regional Administrator

DA:SW:sg

Enclosure (1)

cc: Kiley Mulholland, DEQ Twin Falls Regional Office  
Shane Skaar, Corp of Engineers – Coeur d'Alene Regulatory Office  
Loren Moore, DEQ State Office



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

February 7, 2018

**404 Permit Application Number:** NWW-2017-00182, Glendale Construction gravel extraction project

**Applicant/Authorized Agent:** Gene Sluder/Jim Zarubica

**Project Location:** SE1/4, SE1/2, Section 23,24, Township 1N, Range 18E

**Receiving Water Body:** Big Wood River

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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); 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, received on December 13, 2017, 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 proposed project involves the temporary discharge of 5,000 cubic yards (cy) per year of dredged materials associated with gravel mining, impacting 15.5 acres of the Big Wood River. Work consists of excavation of gravel from the channel from approximately July to October when water is seasonally diverted from the river. The applicant will maintain five existing ramps (constructed prior to the Clean Water Act) that provide access into the river bed. The majority of this material will be extracted by direct methods and will not create a fill. However, temporary stockpiles of less than 225 cy will be constructed in the river bed and removed for processing at an upland facility within seven days of their construction. In addition, the amount of excavated material stockpiled in the channel at any time will be limited to 500 cy. All excavated material shall be hauled to an upland stockpile area. In addition, the applicant proposes to regrade the river bed at the end of each year's excavation to remove depressions that could entrap fish during low flow periods.

## **Antidegradation Review**

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

- Tier I Protection. The first level of protection applies to all water bodies subject to Clean Water Act jurisdiction and ensures that existing uses of a water body and the level of water quality necessary to protect those existing uses will be maintained and protected (IDAPA 58.01.02.051.01; 58.01.02.052.01). Additionally, a Tier I review is performed for all new or reissued permits or licenses (IDAPA 58.01.02.052.07).
- Tier II Protection. The second level of protection applies to those water bodies considered high quality and ensures that no lowering of water quality will be allowed unless deemed necessary to accommodate important economic or social development (IDAPA 58.01.02.051.02; 58.01.02.052.08).
- Tier III Protection. The third level of protection applies to water bodies that have been designated outstanding resource waters and requires that activities not cause a lowering of water quality (IDAPA 58.01.02.051.03; 58.01.02.052.09).

DEQ 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 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 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. 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 Big Wood River, Seamans Creek to Magic Reservoir, within the Big Wood Subbasin assessment unit (AU) 17040219SK004\_05. This AU has the following designated beneficial uses: Cold Water Aquatic life, Primary Contact Recreation, Salmonid Spawning, and Domestic Water Supply. 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 2014 Integrated Report, this AU is not fully supporting one or more of its assessed uses. The aquatic life uses in this receiving water body AU are not fully supported. Causes of impairment include other flow regime alterations, phosphorus (total), and sedimentation/siltation. The contact recreation beneficial use is also not fully supported. The

cause of this impairment is *E. coli*. As such, DEQ will provide Tier I protection for both the aquatic life and contact recreation uses (IDAPA 58.01.02.051.01).

### ***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 WQS 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). 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 period, work will occur when water is absent from the river channel. The river will be graded at the end of the seasonal excavation period to remove depressions in the river bed, ensuring fish are not trapped during low flow. Temporary stockpiles of excavated material in the within the river channel will be no larger than 225 cy, individually, and no more than 500 cy of material may be stockpiled in the river bed at any time. In addition, each temporary stockpile will be removed for processing at an upland facility within seven days of formation. No excavation or re-grading is proposed to occur within the upland 50 foot buffer of the OHWM to reduce impacts to the Big Wood River riparian environment. 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 existing and designated beneficial uses. In addition, *The Big Wood River TMDL (2002 and 2012)* establishes a total suspended sediment average monthly target of <25 mg/L with a daily maximum of <40 mg/L, which are set at levels that protect and maintain designated and existing beneficial uses. (Big Wood River TMDL, 2002, page 54; see also Table D, page xxi). Because work will be conducted in the dry, only a limited amount of material may be temporarily stockpiled in the river channel, and appropriate BMPs will be implemented and maintained, the project will be consistent with the TMDL.

This proposed project is consistent with the Big Wood River Water Management Plan, 2002. Lower sections of the same Assessment Unit (AU) display passing scores for macroinvertebrates, fish and habitat. There is also an existing use for salmonid spawning and cold water aquatic life, which gives us an indicator that sediment is not negatively impacting uses of the AU.

For the Big Wood River system (main stem, tributaries, and canals) above the Magic Reservoir, a percent fines target of < 35% fines (Wolman pebble counts) was selected as the surrogate for substrate sediments and as the surrogate for LC. For the Big Wood River system below the Magic Reservoir, a substrate sediment target of < 40% fines (Wolman pebble counts) was selected as the surrogate for substrate sediments and as the surrogate for LC. These are interim preliminary targets. These targets are considered average annual values based on data collected by IDEQ – Twin Falls Regional Office through BURP and TMDL monitoring. The percent fines from the Wolman Pebble Count in sections of the AU below the proposed gravel mining site are (all fines/all total) - silt/sand (<2.5 MM) at 28.73% and silt/sand/vpm (<6mm) at 32.6%. By the end of year 10 of the watershed management plan, these targets may potentially be reduced to 25% and 30%, respectively – below the target 35%.

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 existing and designated uses is maintained and protected in compliance with the Tier I 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>.

### ***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 will provide 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.

### ***In-water Work***

1. All work shall be performed in the dry.
2. After the conclusion of gravel mining work and flows have returned to the segment of the Big Wood River, the applicant shall conduct turbidity monitoring in accordance with the conditions below.

### ***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. 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.
3. Turbidity monitoring must be conducted, recorded, and reported as described below. *A properly and regularly calibrated turbidimeter is required.*

A sample must be taken approximately 200 feet up-current and down current from the work site to establish turbidity levels post gravel mining work.

Copies of turbidity monitoring must be available to DEQ upon request. The log must include measurements (in NTUs) or observations for up current and down current; and location, time, and date for the sampling event.

### ***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.

### ***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. 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).
    - Twin Falls Regional Office: 208-736-2190 / 800-270-1663
  - d. Collect, remove, and dispose of the spilled material in a manner approved by DEQ.

### ***Required Notification***

The permittee must notify the Twin Falls Regional Office, Sean Woodhead 208-736-2190, [sean.woodhead@deq.idaho.gov](mailto:sean.woodhead@deq.idaho.gov) when authorized work begins.

## 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 Sean Woodhead, DEQ Twin Falls Regional Office, [sean.woodhead@deq.idaho.gov](mailto:sean.woodhead@deq.idaho.gov)



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David Anderson  
Regional Administrator  
Twin Falls Regional Office