STATE OF IDAHO
DEPARTMENT OF
ENVIRONMENTAL QUALITY

2110 Ironwood Parkway • Coeur d'Alene, Idaho 83814 • (208) 769-1422
www.deq.idaho.gov

Governor Brad Little
Director John H. Tippets

May 9, 2019

Chad Nelson
Central Shoshone County Water District
409 S. Main Street
Kellogg, ID 83837

Subject: Final §401 Water Quality Certification for Central Shoshone Water District Bank Stabilization Project, South Fork Coeur d'Alene River; NWW-2019-00168

Dear Mr. Nelson,

Enclosed is the final water quality certification for the above referenced project. The draft certification was advertised for public comment for 21 days from April 18 to May 6, 2019. No comments were received and no substantive changes have been made to the final certification. If you have any questions or concerns, please contact June Bergquist at 208.666.4605 or via email at june.bergquist@deq.idaho.gov .

Sincerely,

Daniel Redline
Regional Administrator
Coeur d'Alene Regional Office

c: Shane Slate, Corps of Engineers – Coeur d'Alene Regulatory Office
Loren Moore, DEQ State Office

Idaho Department of Environmental Quality

Final §401 Water Quality Certification

May 6, 2019

404 Permit Application Number: NWW-2019-00168; Central Shoshone County Water District Bank Stabilization

Nationwide Permit Number: 13, Bank Stabilization

Applicant/Authorized Agent: Chad Nelson, Central Shoshone County Water District/Christopher Horgan, P.E. JUB Engineers 7825 Meadowlark Way, Coeur d'Alene 83815

Project Location: 47°32' 55.89"N; 116°13' 22.16W; I90 to Pinehurst to Old Highway 10 to Trail of the Coeur d'Alenes to near the Pinehurst Trailhead in Shoshone County, Idaho

Receiving Water Body: South Fork Coeur d'Alene River

Pursuant to the provisions of Section 401(a)(1) of the Federal Water Pollution Control Act (Clean Water Act), as amended; 33 U.S.C. Section 1341(a)(1); 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 our review of the joint application for permit, received on April 1, 2019, 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 applicant proposes to repair, realign, and protect a broken waterline and stabilize 500 feet of riverbank with 960 cubic yards of rock riprap. The riverbank at this location is steep, eroding and approximately four feet in height. To accomplish the repair, realignment, and protection of the waterline, 1,006.3 cubic yards of riverbed and bank is proposed to be excavated and disposed of at an approved disposal site for metals contaminated sediment. No excavated sediments will be reused for the project. A silt curtain or a cofferdam constructed of non-erodible materials is proposed to protect water quality. The riprap will be interspersed with willows; and native shrubs and trees will be planted on the floodplain terrace landward of the riprap to further help stabilize

the site. Work is proposed for a July through early September timeframe during low flow conditions.

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 pollutants of concern for this project are sediment, cadmium, lead, and zinc. 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, cadmium, lead and zinc.

Receiving Water Body Level of Protection

This project is located on South Fork Coeur d'Alene River within the South Fork Coeur d'Alene River Subbasin assessment unit (AU) ID17010302PN001_04 (South Fork Coeur d'Alene River - between Big Creek and Pine Creek). This AU has the following designated beneficial uses: cold water aquatic life and secondary contact recreation. Salmonid spawning is an existing use. 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 its aquatic life use. Causes of impairment include cadmium, lead, zinc and sediment. As such, DEQ will provide

Tier I protection (IDAPA 58.01.02.051.01) for the aquatic life use. The secondary 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.b). Based on *E. coli* data collected in 2017 by DEQ and instream metal monitoring conducted by NPDES permit holders in the South Fork Coeur d'Alene River, the recreational use for South Fork Coeur d'Alene River is determined to be fully supported for the purposes of this certification. DEQ will therefore provide Tier II protection, in addition to Tier I, for the recreation use.

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 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. Examples of BMPs proposed for the project are silt fencing, reseeding of disturbed areas, compliance with Panhandle Health District Institutional Controls Program rules, and work during low flow conditions. 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. In addition, the project will be consistent with the *South Fork Coeur d'Alene River Sediment Subbasin Assessment and Total Maximum Daily Load (May 17, 2002)*. The project will repair an actively eroding bank and further stabilize the floodplain with woody vegetation. A cofferdam or silt curtain will be utilized to minimize sediment entering the river during construction. The resulting reduction in sedimentation from the riverbank is consistent with the sediment reduction goals of the TMDL.

Salmonid spawning is an existing beneficial use. The proposed project protects and enhances this use by repairing an eroding riverbank thus reducing river sedimentation which improves spawning habitat. 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).

High-Quality Waters (Tier II Protection)

The South Fork Coeur d'Alene River is considered high quality for secondary contact recreation use. As such, the water quality relevant to this use must be maintained and protected, unless a lowering of water quality is deemed necessary to accommodate important social or economic development.

To determine whether degradation will occur, DEQ must evaluate how the permit issuance will affect water quality for each pollutant that is relevant to secondary contact recreation use uses of the South Fork Coeur d'Alene River (IDAPA 58.01.02.052.06). These pollutants include the following: cadmium, lead and zinc. The applicant proposes to utilize either a silt curtain or non-erodible cofferdam to minimize turbidity and sedimentation of the river during construction. Riverbed sediments likely contain cadmium, lead, and zinc due to pollutants from the Bunker Hill Superfund site. Any excavated sediments will be taken to an approved disposal site and not be reused for the project. This will further protect water quality of the river. Clean riprap will be used to construct the project. As such, the project complies with IDAPA 58.01.02.051.02 and IDAPA 58.01.02.052.06.

In order to maintain the ambient water quality conditions, permanent erosion and sediment controls must be implemented which will minimize or prevent future sediment contributions from the project area. The provisions in the 404 permit, coupled with the conditions of this certification, ensure that degradation to the South Fork Coeur d'Alene River AU or the South Fork Coeur d'Alene River will not occur. Therefore, DEQ concludes that this project complies with the Tier II provisions of Idaho's WQS (IDAPA 58.01.02.051.02; 58.01.02.052.06 and 58.01.02.052.08).

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.

Fill Material

8. The fill material to be placed shall be clean material only.
9. 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.

Erosion and Sediment Control

10. 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.
11. 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.
12. 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.
13. A BMP inspection and maintenance plan must be developed and implemented. At a minimum, BMPs must be inspected and maintained daily during project implementation.
14. BMP effectiveness shall be monitored during project implementation. BMPs shall be replaced or augmented if they are not effective.
15. Disturbed areas suitable for vegetation shall be seeded or revegetated to prevent subsequent soil erosion.

Turbidity

16. 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.*

17. 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).
18. Containment measures such as silt curtains and cofferdams must be implemented and properly maintained to minimize instream sediment suspension and resulting turbidity.

In-water Work

19. 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.
20. Construction affecting the bed or banks shall take place only during periods of low flow.
21. Fording of the channel is not permitted.
22. Work in waters of the state shall be restricted to areas specified in the application.
23. Measures shall be taken to prevent wet concrete from entering into waters of the state when placed in forms and/or from truck washing.

Pollutants/Toxics

24. 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.

Management of Hazardous or Deleterious Materials

25. 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.
26. Vegetable-based hydraulic fluid should be used on equipment operating in or directly adjacent to the channel if this fluid is available.
27. 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.
28. Equipment and machinery must be removed from the vicinity of the waters of the state prior to refueling, repair, and/or maintenance.
29. 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. Cleaning shall be sufficient to remove all life stages of aquatic invasive species.

30. Emergency spill procedures shall be in place and may include a spill response kit (e.g., oil absorbent booms or other equipment).
31. 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).
        - Coeur d'Alene Regional Office: 208-769-1422 / 877-370-0017
    d. Collect, remove, and dispose of the spilled material in a manner approved by DEQ.

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 June Bergquist, Coeur d'Alene Regional Office at (208) 666-4605 or by email at june.bergquist@deq.idaho.gov .

Daniel Redline
Regional Administrator
Coeur d'Alene Regional Office