



Idaho Department of Environmental Quality §401 Water Quality Certification

February 6, 2012

404 Permit Application Number: NWW-2010-213-W04

Applicant/Authorized Agent: Port of Lewiston

Receiving Water Body Name/Assessment Unit: Clearwater River, Lower Granite Dam Pool, Water Body Unit 17060306CL001_07.

Receiving Water Body Conditions: Lower Granite Dam Pool is included in Section 5 of the 2010 Integrated Report as not supporting beneficial uses due to dissolved gas super-saturation.

Project Location: The project is located at the existing Port of Lewiston facilities within the City of Lewiston, near U.S. Highway 12 in the Northeast $\frac{1}{4}$ of the Northwest $\frac{1}{4}$ of Section 31, Township 36 North, Range 5 West, Nez Perce County, Idaho.

Pursuant to the provisions of Section 401(a)(1) of the Federal Water Pollution Control Act (Clean Water Act), as amended, 33 USC 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 a water quality certification decision.

Based upon review of the permit application and associated information for the above-referenced activity, 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, including 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

Work includes the discharge of 2400 cubic yards of sand and gravel fill material below the ordinary high water mark of the Clearwater River to construct a dock extension. Additional activities include the discharge of approximately 200 linear feet of metal sheet piling to contain new dock extension fill, the discharge of 25 fender piles along the face and side of the new dock extension to construct a fendering system of the expanded dock section, and the removal and

relocation of an existing mooring dolphin to a location approximately 115 feet west of the expanded dock.

Antidegradation

Idaho's Antidegradation policy requires maintaining the existing quality of state waters (Idaho Code §39-3603(1)(a)). Where the quality of water is better than that required to maintain beneficial uses, no degradation can occur unless degradation is necessary to accommodate economic or social development (Idaho Code §39-3603(1)(b)).

In the Idaho Water Quality Standards (IDAPA 58.01.02), the Clearwater River, Lower Granite Dam pool water body 17060306CL001 is protected for the following designated beneficial uses: cold water aquatic life, primary contact recreation, and domestic water supply. Water body assessment unit 17060306CL001_07 is listed in Section 5 of Idaho's 2010 Integrated Report (IR) as not fully supporting due to dissolved gas super-saturation. Water body assessment units included in Section 5 of Idaho's Integrated Report are impaired and are not considered high quality water for the listed pollutants and associated beneficial uses (Idaho Code §39-3603(2)(b)(iii)). Because dissolved gas super-saturation is identified as a pollutant of concern in the IR, Tier I protection is provided for the cold water aquatic life beneficial use (Idaho Code §39-3603(1)(a)).

Water body assessment units identified in the 2010 IR as not assessed are provided an appropriate level of protection on a case-by-case basis using current information (Idaho Code §39-3603(2)(b)(ii)). In the 2010 IR, the primary contact recreational use is not assessed. Bacteria data for this AU do not exceed the criteria for primary contact recreation, thus the primary contact recreation beneficial use is fully supporting (IDAPA 58.01.02.054) and Tier II protection is provided for the recreational beneficial use (Idaho Code §39-3603(2)(b)).

Available data for this water body assessment unit do not exceed the criteria for the domestic water supply, thus the domestic water supply beneficial use is fully supporting and Tier II protection is provided for the domestic water supply beneficial use (Idaho Code 39-3603(2)(b)).

Cold Water Aquatic Life Tier I Analysis

The primary pollutant of concern for the aquatic life beneficial use associated with the permitted project is sediment. Certain measures are proposed to prevent a lowering of water quality. DEQ is requiring the applicant to comply with the conditions of this certification to protect water quality and to meet Idaho WQS, including the water quality criteria applicable to turbidity. During the construction phase, the applicant is required to implement, install, maintain, monitor and adaptively manage best management practices geared toward reducing erosion and minimizing turbidity levels in the Clearwater River, Lower Granite Dam pool, downstream of the project.

Primary Contact Recreation Tier II Analysis

The primary pollutant of concern applicable to contact recreation is *E. coli* bacteria and will not be discharged to this assessment unit as a result of this activity. Therefore, no degradation will occur to the primary contact recreation designated beneficial use as a result of this project.

Domestic Water Supply Tier II Analysis

The primary pollutants of concern applicable to the domestic water supply beneficial use are listed in IDAPA 58.01.02.210.01 and will not be discharged to this AU as a result of this activity. Therefore, no degradation will occur to the domestic water supply designated beneficial use as a result of this project.

DEQ believes the project will comply with applicable WQS and will maintain and protect the level of water quality necessary to protect the designated beneficial uses. 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 designated beneficial uses and water quality of this segment of the Clearwater River will be maintained and protected. DEQ therefore concludes that this activity complies with Idaho's Antidegradation policy.

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

General

1. This certification authorizes the activity as described in the Public Notice for permit received on June 22, 2011, and the attached drawings dated March and April 2011.
2. This certification is conditioned upon the requirement that any modification (e.g. change in best management practices, 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 §401. Such modifications may not be implemented until DEQ has made a determination whether additional certification is necessary.
3. 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 water quality standards, there is no longer reasonable assurance of compliance with water quality standards or other appropriate requirements of state law.
4. This certification may be revoked for failure of the permittee to comply with the conditions of this certification or the terms and conditions of the referenced permit. Revocation shall become effective upon written notice to the permittee, and all activities permitted under the referenced permit shall immediately cease. The activity may not resume unless authorized by DEQ.
5. In the event 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.

6. A copy of this certification must be kept on the job site and readily available for review by any contractor working on the project as well as any federal, state, or local government personnel.
7. The applicant is responsible for all work done by contractors and must ensure the contractor(s) are informed of and follow all the conditions described in this certification and the Section 404 permit.
8. Unless otherwise authorized by DEQ, this certification is valid for two (2) years from the date the certification was issued by DEQ.
9. Because this project disturbs more than 1 acre and there is potential for discharge of storm water to waters of the U.S., coverage under the U.S. Environmental Protection Agency Construction Stormwater General Permit must be obtained.

FILL MATERIAL

1. Fill material shall be free of easily suspendable fine material. The fill material to be placed shall include clean earth fill, sand, and stone only.
2. All temporary fills shall be removed in their entirety on or before the completion of construction.
3. Excavated or staged fill material must be placed so that 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. Best management practices (BMPs) for sediment and erosion control suitable to prevent exceedances of state water quality standards shall be selected and installed before starting construction at the site. BMP effectiveness shall be monitored during project implementation. Turbidity shall not exceed background turbidity by more than 50 NTU instantaneously or more than 25 NTU for more than 10 consecutive days.
2. Use of containment measures such as silt curtains, geotextile fabrics, and silt fence must be implemented and properly maintained in order to minimize in-water sediment suspension and resulting turbidity.
3. 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 operation of the project.
4. 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.
5. A BMP inspection and maintenance plan must be developed and implemented. At a minimum, BMPs must be inspected and maintained daily. BMPs shall be replaced or augmented if they are not effective.

6. All construction debris shall be properly disposed of so that it cannot enter waters of the state or cause water quality degradation.

IN-WATER WORK

1. Work in waters of the state shall be restricted to areas specified in the application.
2. Work in waters of the state shall be conducted during the winter work period recommended by the Idaho Department of Fish and Game from December 1 through February 15.
3. Measures shall be taken to prevent the entrance of wet concrete into waters of the state when placed in forms and/or from washing of trucks.
4. Unless otherwise authorized by DEQ, this certification is valid for two (2) years from the date the certification was issued by DEQ.

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, 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. Equipment should not be fueled nor fluids changed adjacent to waters of the State. Any equipment operated adjacent to waters of the State shall be maintained in a good state of repair.
3. If an above ground spill or overfill of petroleum results in a release that exceeds 25 gallons or causes a sheen on nearby surface water, the responsible person must make an effort to contain the spill and notify the Emergency Response system at 1-800-632-8000.
4. Emergency spill procedures shall be in place which may include a spill response kit (e.g. oil absorbent booms or other equipment).

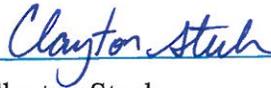
TREATED WOOD

1. Any use of treated wood materials in the aquatic environment must be conducted in accordance with IDEQ Policy # PM97-1, "Water Quality and Wood Preservatives Policy Memoranda."

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 regarding the actions taken in this certification should be directed to Cindy Barrett, Lewiston Regional Office, (208) 799-4370 or Cynthia.Barrett@deq.idaho.gov.

A handwritten signature in blue ink that reads "Clayton Steele". The signature is written in a cursive style and is positioned above a horizontal blue line.

Clayton Steele
Regional Administrator
Lewiston Regional Office