



STATE OF IDAHO
DEPARTMENT OF
ENVIRONMENTAL QUALITY

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

September 22, 2017

Damon Allen, P.E.
District Engineer
Idaho Transportation Department
600 W. Prairie Ave
Coeur d'Alene, ID 83815

RE: Final §401 Water Quality Certification for Interstate 90 Kingston Interchange
Project; French Gulch NWW-2016-495-B02

Dear Mr. Allen,

Enclosed is the final water quality certification for the above referenced project. The draft certification was advertised for public comment for 21 days from August 29 to September 19, 2017. 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,

A handwritten signature in cursive script, appearing to read "Daniel Redline".

Daniel Redline
Regional Administrator
Coeur d'Alene Regional Office

c: Nicholle Braspennickx , Corps of Engineers – Boise Regulatory Office
Nicole Deinarowicz, DEQ State Office



Idaho Department of Environmental Quality Final §401 Water Quality Certification

September 22, 2017

404 Permit Application Number: NWW-2016-495-B02; Idaho Transportation Department Interstate 90 Kingston Interchange Reconstruction

Applicant/Authorized Agent: Damon Allen, Idaho Transportation Department 600 W. Prairie Ave Coeur d'Alene, ID 83815

Project Location: Latitude 47° 33' 00.57"N; Longitude 116° 16' 16.67"W; Exit #43 on I90 approximately 30 miles east of Coeur d'Alene

Receiving Water Body: French Gulch

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 July 20, 2017, and additional information received on August 11, August 18, and August 21, 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 applicant proposes to replace the I-90 bridge that travels over the Coeur d'Alene River Road at the Kingston interchange. The project also includes the repair and slip lining of 16 culverts ranging in size from 12 to 24 inches diameter in association with on and off ramps. Additionally, a 36 inch culvert that carries runoff in a ditch to French Gulch will be replaced with a 48 inch metal culvert. There will also be some ramp realignment to improve merging visibility and speeds. Runoff from the interchange drains to the northwest, then west through wetlands into French Gulch which flows 300 feet to its confluence with the Coeur d'Alene River.

To protect water quality of French Gulch and the Coeur d'Alene River, the applicant proposes to use best management practices that include: work zone delineation to protect areas not included in the construction plans; fiber wattles and/or silt fencing, culvert work limited to dry or low

flow season (see certification condition); track out control and pavement sweeping; non-erosive cofferdams to dry up culvert replacement sites when necessary (see certification condition); bypass pumping of clean surface water around culvert construction sites and back into the drainage OR if water is turbid, pumped onto dry uplands or into a detention facility/sediment basin (see certification condition); ground water from dewatering activities will be pumped into the detention facility/sediment basin; material stockpiles that will have perimeter sediment controls and temporary stabilization to minimize sediment discharge; dust abatement watering will be conducted; disturbed soil will have hydraulically applied mulch, tackifiers and seed; steeper slopes will have a rock mulch surface; Institutional Controls Program for the Bunker Hill Superfund site rules will be followed for handling and disposal of potentially metals contaminated soils (see certification condition); ditching may be used to divert water flow around construction activities; diversion ditches will contain rock check dams or fiber wattles if needed; spill kits will be located on site; fueling will be at least 150 feet from surface waters or if due to site limitations, alternative control measures will be used; vegetable based hydraulic fluid will be used on equipment working in or adjacent to waters of the state; and daily inspections for leaks will be conducted.

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. The metals are related to the Bunker Hill Superfund site. 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 French Gulch within the Coeur d'Alene Lake Subbasin assessment unit (AU) 17010303PN018_02 (French Gulch – source to mouth). This AU has not yet been designated. Because DEQ presumes most waters in the state will support cold water aquatic life and primary or secondary contact recreation beneficial uses, undesignated waters are protected for these uses (IDAPA 58.01.02.101.01.a). 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).

This AU is included in Category 3 (Unassessed Waters) of the 2014 Integrated Report. Therefore, DEQ must provide an appropriate level of protection on a case-by-case basis using information available at this time (IDAPA 58.01.02.052.05.b). Because there is no data available DEQ will assume that this water body is high quality and will provide Tier II protection in addition to Tier I for this waterbody (IDAPA 58.01.02.051.02; 58.01.01.051.01). Idaho Transportation Department has indicated via an email dated August 21, 2017 that they are willing to assume that the affected water body is high quality for this project.

Protection and Maintenance of Existing Uses (Tier I Protection)

As noted above, 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.

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.

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).

High-Quality Waters (Tier II Protection)

French Gulch is considered high quality for cold water aquatic life and recreational uses. As such, the water quality relevant to these uses 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 cold water aquatic life and recreational uses of the French Gulch (IDAPA 58.01.02.052.06). These pollutants include the following: sediment, cadmium, lead and zinc. The applicant will follow the institutional controls program rules regarding moving and disposal of contaminated soils. A stormwater pollution prevention plan per the EPA Construction General Permit (CGP) will be developed and followed for upland areas on this project. The design of the project minimizes disturbance of wetlands by re-aligning the inside area of the ramps rather than outside where wetlands primarily are located.

Compliance with the Institutional Controls Program rules and the CGP should reduce both disturbance of potential metals containing soils and minimize the chance of disturbed ground in eroding and transporting sediment and metals into French Gulch. BMPs to be used on this project are listed in the Project Description section of this certification. To ensure that metals contaminated waters do not enter French Gulch, all groundwater pumped for dewatering of culvert crossings will be infiltrated on site and not discharged into surface waters. Additionally, there are added conditions in this certification directed at minimizing transport of metals contaminated sediments into French Gulch. 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 Coeur d'Alene Lake AU or French Gulch 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. 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.
10. Placement of fill material in existing vegetated wetlands shall be minimized to the greatest extent possible.
11. All temporary fills shall be removed in their entirety on or before construction completion.
12. 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

13. 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.
14. 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.

15. 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.
16. At a minimum, BMPs must be inspected and maintained daily during project implementation.
17. BMP effectiveness shall be monitored during project implementation. BMPs shall be replaced or augmented if they are not effective.
18. All construction debris shall be properly disposed of so it cannot enter waters of the state or cause water quality degradation.
19. Disturbed areas suitable for vegetation shall be seeded or revegetated to prevent subsequent soil erosion.
20. 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.
21. 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

22. 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.*
23. 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).
24. 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.

In-water Work

25. 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.
26. Construction affecting wetlands or the bed or banks shall take place only during periods of low flow.

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

Vegetation Protection and Restoration

32. Disturbance of existing wetlands and native vegetation shall be kept to a minimum.
33. To the maximum extent practical, staging areas and access points should be placed in open, upland areas.
34. Fencing and other barriers should be used to mark the construction areas.
35. 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

36. Upland disposal of dredged material must be done in a manner that prevents the material from re-entering waters of the state and in accordance with the Institutional Controls Program administered by Panhandle Health District.

Management of Hazardous or Deleterious Materials

37. 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.
38. Vegetable-based hydraulic fluid should be used on equipment operating in or directly adjacent to the channel if this fluid is available.
39. 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.
40. Equipment and machinery must be removed from the vicinity of the waters of the state prior to refueling, repair, and/or maintenance.
41. 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 forms of aquatic invasive species.**

42. Emergency spill procedures shall be in place and may include a spill response kit (e.g., oil absorbent booms or other equipment).
43. 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.

Culverts

44. To prevent road surface and culvert bedding material from entering a stream, culvert crossings must include best management practices to retain road base and culvert bedding material. Examples of best management practices include, but are not limited to, parapets, wing walls, inlet and outlet rock armoring, compaction, suitable bedding material, anti-seep barriers such as bentonite clay, or other acceptable roadway retention systems.
45. The culvert shall not constrict the stream channel and shall not be angled such that the outflow is directed toward the stream bank. The culvert's flow line shall match the existing stream invert at its entrance and exit. Adequate grade control shall be installed to prevent channel down cutting or excessive deposition from occurring.
46. The culvert shall be installed such that it does not impede fish passage.
47. The culvert outflow shall be armored with riprap to provide erosion control. This riprap will be clean, angular, dense rock that is free of fines and resistant to aquatic decomposition.
48. Culverts shall be sized appropriately to maintain the natural drainage patterns.

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 via email at june.bergquist@deq.idaho.gov.



Daniel Redline
Regional Administrator
Coeur d'Alene Regional Office