



CERTIFICATION

STATE OF ARIZONA
Clean Water Act §401 Water Quality Certification
U.S. Army Corps of Engineers File No.: SPL-2011-00467
ADEQ LTF No.: 78563

1. AUTHORIZATION

This State Water Quality Certification (WQC) is issued by the Arizona Department of Environmental Quality (ADEQ) under the authority of §401(a) of the Federal Clean Water Act (CWA) (33 U.S.C. §1251 et seq.) and Arizona Revised Statutes (ARS) §49-202.

The conditions listed in Section 5 are in addition to conditions in the pending U.S. Army Corps of Engineers (USACE) Application No. SPL-2011-00467. These conditions are enforceable by the USACE and are subject to civil penalties if violated. Criminal penalties may also be levied if a person knowingly violates any provision of the CWA.

Subject to the conditions in Section 5, ADEQ certifies that based on the information in Section 3, the activities proposed for the road construction project, **SR189, International Border to Grand Avenue**, will not violate applicable Surface Water Quality Standards (SWQS) in Mariposa Wash and two unnamed washes in Nogales, AZ.

Pursuant to ARS 49-202C, ADEQ's review authority extends only to activities occurring within the ordinary high water mark of Waters of the U.S. (WUS). Not all of the project elements involve discharges of dredged or fill material to WUS requiring a §401 WQC.

APPLICANT INFORMATION

Project Name: SR189, International Border to Grand Avenue,
Latitude: 31° 21' 55" Longitude: -110° 56' 37.98"

Applicant: Arizona Department of Transportation
Roderick Lane
1221 S. 2nd Avenue
Tucson, AZ 85713

AUTHORIZING SIGNATURE

Christopher Henninger
Water Quality Division
Arizona Department of Environmental Quality

Date

2. DESCRIPTION OF ACTIVITIES TO BE CERTIFIED

The Arizona Department of Transportation (ADOT) is planning road construction along SR 189 between the Mariposa Port of Entry and Grand Avenue in Nogales, Arizona. Construction within waters of the U.S will occur within two unnamed washes and within Mariposa Wash. In the unnamed washes, ADOT will extend two existing culverts to accommodate a wider roadway and improve storm flow. At the first wash, ADOT will extend an existing 10' by 4' concrete box culvert by 37'. New headwalls and dumped riprap will be placed at both ends of the culvert in order to provide scour protection and energy dissipation. At the second wash, ADOT will remove and replace the downstream end section to construct a new headwall. Dumped riprap will also be placed at the downstream end to provide scour protection and energy dissipation. Construction in these unnamed washes will take up to a couple of months.

At Mariposa Wash, ADOT will reconstruct the traffic interchange (TI) between SR 189 and Interstate 19, which is directly adjacent to the wash. First, ADOT will conduct geotechnical investigations within jurisdictional areas by excavating several test pits and 6-10" diameter core borings to an unknown depth. Excavated areas will be restored to pre-investigation elevations when complete. Once investigations are complete and design is finalized, ADOT will continue with construction by removing the existing bridge and bridge piers. This bridge will be replaced with two new bridges to carry traffic traveling eastbound and westbound through the TI on SR 189/Mariposa Road. New piers for both bridges will be located in jurisdictional portions of Mariposa Wash. Existing streambed and bank protection consisting of riprap and soil cement will be replaced and/or expanded to provide adequate storm flow protection to the new bridge structures.

In addition to the new bridges, ADOT will also construct two new flyover ramps that provide a more direct connection between SR 189 to Interstate 19 and provide grade separation at Frank Reed Road. Three piers (one for the southbound ramp and two for the northbound ramp) will be located in waters of the U.S. Activities in Mariposa Wash may take up to a year in order to construct all of the structures.

Impacts to waters of the U.S. are as follows:

- 7.3 acres of total disturbance;
- 1.2 acres of permanent impacts; and
- 1.53 acres of temporary impacts.

ADOT is developing and constructing this project through a design-build method of project delivery, where a design-build team is responsible for final design and construction of the project. At this time, some aspects of the project are still in development (e.g. number and locations of geotechnical investigations, bridge design, riprap size, extent of bridge scour protection). However, major aspects of the project are not expected to change and environmental commitments have been placed on the design-build team to avoid and minimize impacts to waters of the U.S. When the section 404 permit is issued, ADOT will be required to provide the Corps and ADEQ with final design information prior to construction to ensure that all potential impacts to jurisdictional resources have been fully considered and mitigated.

3. INFORMATION REVIEWED

During the development of this WQC, ADEQ had access to and reviewed the following documents that are on file with ADEQ:

- A. U.S. Army Corps of Engineers (USACE), Los Angeles District Public Notice: SPL-2011-00467 for SR190, International Border to Grand Avenue, Nogales, AZ, comment period September 17, 2019 – October 18, 2019
- B. CWA §401 WQC application package including the CWA §404 permit application with project descriptions and maps, dated August 29, 2019 and received by ADEQ on September 19, 2019. Permittee: Roderick Lane, ADOT
- C. State of Arizona Surface Water Quality Standards (SWQS), Arizona Administrative Code (A.A.C.) Title 18, Chapter 11, Article 1. Designated uses for Mariposa Wash and unnamed ephemeral washes are Aquatic and Wildlife ephemeral (A&We) and Partial Body Contact (PBC).

4. NOTIFICATION PROVISIONS

For any correspondence regarding this project, the ADEQ mailing address is:

Arizona Department of Environmental Quality
Rosi Sherrill
Surface Water Section / 401 WQCs / mailstop 5415A-1
1110 West Washington Street
Phoenix, Arizona 85007

For questions or general comments:

Email: sherrill.laurie@azdeq.gov

Voice: (602) 771-4409

In any correspondence, reference:

SR189, International Border to Grand Avenue, Nogales, AZ
USACE File No.: SPL-2011-00467
ADEQ LTF No.: 78563
Reading file: SWP19-00184

5. CONDITIONS FOR STATE 401 WATER QUALITY CERTIFICATION

For the purposes of this WQC, the following definitions apply:

- Waters of the U.S. (WUS) as defined by the USACE and U.S. Environmental Protection Agency (EPA) under the Clean Water Act. This WQC applies only to activities within a WUS.
- Fill material means soil, sand, gravel and other natural materials that are similar in physical, chemical and biological composition to existing natural materials in the project area and which are free from pollutants in quantities and concentrations that can

cause or contribute to an exceedance of applicable Surface Water Quality Standards (SWQS).

GENERAL CONDITIONS

1. ADEQ's §401 WQC of these activities proposed by the applicable CWA §404 Permit, does not affect or modify in any way the obligations or liability of any person for any damages, injury, or loss, resulting from these activities. This WQC is not intended to waive any other federal, state or local laws.
2. Issuance of a §401 WQC does not imply or suggest that requirements for other permits including, but not limited to Aquifer Protection Permits, Arizona Pollutant Discharge Elimination System Permits, Construction General Permits, DeMinimis Permits and Reclaimed Water permits are met or superseded. Applicant should contact ADEQ to ensure all applicable permits are obtained.
3. This WQC applies only to the activities described in Section 2 and is based upon the information listed in Section 3. This WQC is valid for the same period as the CWA §404 permit issued by the USACE. The applicant must apply for renewal, modification or extension of this WQC if the CWA §404 permit is renewed, modified, extended or otherwise changed. This WQC may be reopened by ADEQ at any time due to a change (lowered or more stringent) in a SWQS for a parameter likely to result from project activities. ADEQ may add or modify conditions in this WQC to ensure that the applicant's activities comply with the most recent SWQS.
4. The applicant shall provide a copy of this WQC to all appropriate contractors and subcontractors. The applicant shall also post and maintain a legible copy of this WQC in a weather-resistant location at the construction site where it may be seen by the workers.
5. The applicant shall notify ADEQ within 30 days of submitting the notice of completion of work required by the CWA §404 permit for this activity.
6. The applicant is responsible to ensure that certified activities do not cause or contribute to any exceedances of SWQS in any WUS.
7. This WQC does not authorize the discharge of mining, construction or demolition wastes, wastewater, process residues or other potential pollutants to any WUS except as specified in the application, supporting documents, and/or in the CWA §404 permit.