



# CERTIFICATION

STATE OF ARIZONA  
Clean Water Act §401 Water Quality Certification  
U.S. Army Corps of Engineers File No.: SPL-2016-00266  
ADEQ LTF No.: 77335

## 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-2016-00266. 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 Agua Fria River I-10 Underpass Multi-Use Pathway will not violate applicable Surface Water Quality Standards (SWQS) in the Agua Fria River.

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: Agua Fria River I-10 Underpass Multi-Use Pathway  
Latitude: 33° 27' 24" Longitude: -112° 19' 53.1"

Applicant: Arizona Department of Transportation  
Randy Everett  
2140 W. Hilton, MD E700  
Phoenix, AZ 85009

## 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 assisting the City of Avondale with constructing a paved multi-use pathway project within the City of Avondale, Maricopa County, Arizona. This project is part of the West Valley Multi-Modal Transportation Corridor Master Plan, which connects communities along the New River and Lower Agua Fria River corridors through a 42-mile trail network for pedestrians, bicyclists, and other non-motorized trail users. The project would occur on ADOT and City of Avondale owned land.

The pathway would connect a planned path along the Agua Fria River's east levee to the existing pedestrian and bicycle path system at Friendship Park located north of I-10. Starting at the south end of the project, the path would leave the top of the eastern levee on a ramp down to the Agua Fria River bed approximately 300 feet south of I-10. It would then cross under I-10 adjacent to the existing soil concrete levee with approximately 10 feet of clearance, then proceed up a ramp to return to the top of the levee. The path would then turn east along the south levee of the I-10 drainage channel for approximately 350 feet before turning and crossing the drainage channel on a two-span, single pier, steel truss bridge to Avondale's Friendship Park. Within Waters of the U.S., the following activities would occur:

- Construct a soil cement ramp and toe downs to accommodate the path crossing under I-10. This would require excavation of approximately 4,000 cubic yards (CY) of river bottom material and the placement of 4,300 CY of soil cement. Following construction of the soil cement, the work area would be backfilled with 700 CY of previously excavated material. Approximately 3,300 CY of excess material will be removed from the project site. No stockpiling of materials within the riverbed will be allowed during non-working hours.
- Construct a 16-foot-wide multi-use path using PCC pavement on new soil cement constructed below the top of the existing levees. A maintenance access road will also be constructed adjacent to the soil cement and surfaced with aggregate base.
- Construct a two-span, steel truss bridge across the ADOT drainage channel with abutments on the top of the south and north levees above the Ordinary High Water Mark. A single pier will be constructed in waters of the U.S. measuring approximately 16 feet by 2.75 feet.
- Install hand railing along the new soil cement ramp slopes by drilling holes and filling around the rail posts with grout.
- The construction area will be accessed on the north from Avondale Boulevard via the ADOT drainage channel and Friendship Park and on the south from Van Buren Street. No fill material or dewatering will be required for access. However, dewatering may be needed to construct the soil cement ramps or the bridge pier depending on fluctuating groundwater levels in the area.

Complete avoidance of waters of the U.S. is not practical for this project. To construct the undercrossing of I-10 and the connection to Friendship Park, the path would need to be located within the ordinary high water mark of the Agua Fria River and the I-10 drainage channel. Alternatives that avoid waters of the U.S., such as routing the path over I-10 or tunneling under I-10 behind the levee, are not practicable.

Impacts to waters of the U.S. will be minimized in the following manner:

- Waters of the U.S. have been avoided to the maximum extent possible by moving most of the activity to upland areas.
- Staging of vehicles, equipment, and materials would occur outside of waters of the U.S. and would be restricted to two 0.8-acre sites. Disturbance to vegetation will be minimized to the greatest extent practicable and no trees with a diameter at breast-height  $\geq 12$  inches would be removed.
- No construction activities shall be conducted within the Agua Fria River or I-10 drainage channel during storm events or other periods when high flows are present.
- Site access to the project location would occur via existing maintenance roads and ramps to the extent possible. These maintenance roads and ramps will be accessed from Avondale Boulevard via the paved portions of the ADOT drainage channel; from Van Buran Street along the east levee of the Agua Fria River; and from Friendship park around the west end of the north levee of the ADOT drainage channel.
- The 12-month construction duration would begin in the fall when the Agua Fria River's and ADOT drainage channel flows are typically at their lowest to minimize the volume of water diverted.
- A Stormwater Pollution and Prevention Plan will be developed and implemented.
- Upon project completion, all temporarily disturbed areas will be restored to their original contours, elevations, and/or uses. Previously vegetated areas will be restored by seeding and/or planting native species at a ratio similar to the pre-construction condition.

### 3. **INFORMATION REVIEWED**

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

- A. U.S. Army Corps of Engineers (USACE), Los Angeles District Public Notice: SPL-2016-00266 for Agua Fria River I-10 Underpass Multi-Use Pathway, comment period June 18, 2019 – July 18, 2019
- B. CWA §401 WQC application package including the CWA §404 permit application with project descriptions and maps, dated June 4, 2019 and received by ADEQ on June 20, 2019. Permittee: Randy Everett, 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 Agua Fria River are: Aquatic and Wildlife ephemeral (A&We); Livestock Irrigation (AgL) 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:

Agua Fria River I-10 Underpass Multi-Use Pathway  
USACE File No.: SPL-2016-00266  
ADEQ LTF No.: 77335  
Reading file: SWP19-0160

#### 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.