



# CERTIFICATION

**STATE OF ARIZONA**  
**Clean Water Act §401 Water Quality Certification**  
**ADEQ LTF No.: 72074**

## 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.

Subject to the conditions in Section 5, ADEQ certifies that based on the information in Section 3, the activities proposed for the Little Colorado River, Winslow Flood Risk Management project will not violate applicable Surface Water Quality Standards (SWQS) in the Little Colorado River, Ruby Wash and other ephemeral washes.

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: Little Colorado River, Winslow Flood Risk Management

Latitude: 35° 01' 15" Longitude: -110° 40' 00"

Applicant: U.S. Army Corps of Engineers  
Eduardo T. De Mesa  
915 Wilshire Boulevard, Suite 930  
Los Angeles, CA 90017

## AUTHORIZING SIGNATURE

\_\_\_\_\_  
Christopher Henninger  
Water Quality Division  
Arizona Department of Environmental Quality

\_\_\_\_\_  
Date  
Reading file: SWGP18-0179

## 2. DESCRIPTION OF ACTIVITIES TO BE CERTIFIED

The U.S. Army Corps of Engineers (USACE) is planning a flood risk management project to reduce health, safety and property damage risks caused by flooding from the Little Colorado River in Winslow, Arizona and the surrounding communities. The project includes:

- Conveyance improvements at the Burlington Northern Santa Fe (BNSF) Railroad Bridge;
- Reconstruction of East End Ruby Wash Diversion levee;
- Reconstruction to the Winslow levee;
- Construction of setback levees; and
- Construction of a levee parallel to I-40.

### Conveyance Improvements

Conveyance improvements at the BNSF Railroad Bridge will improve flow throughout and to stabilize an approximate 2,500 foot long reach of the LCR within the vicinity of the BNSF Railroad Bridge. Improvements include excavation to the current thalweg depth and would range from six to eight feet. Salt cedar would be removed from upstream and downstream of the BNSF Railroad Bridge and Route 87 bridges. The salt cedar would be removed via mechanized equipment that would push the plants to create temporary stockpiles which would subsequently be loaded onto dump trucks for off-site disposal. The BNSF Railroad Bridge structures transmit vibrations to the underlying substrate that will require robust bank stabilization structures to minimize soil movement around the bridge piers.

The newly excavated channel would include an approximately 390 foot-wide low-flow channel with one-third of the soil cement banks within the OHWM of LCR, and overflow terraces with grouted riprap slope protection outside of the OHWM of LCR. The total width of the reconstructed channel would be approximately 650 feet wide. Implementation of these measures will result in 20.8 acres of temporary discharges of dredged material within WUS associated with earthmoving activities within the LCR as well as permanent discharge of 1.2 acres of soil cement.

### East End Ruby Wash Diversion Levee Reconstruction

Ruby Wash Diversion Levee is a braided channel system that is a direct tributary to the LCR. The levee is located approximately 150 feet landward of the wash. Construction dewatering activities, such as the installation of earthen berms, may incur 0.45 acres of temporary impacts to WUS when the active channel impinges the levee. These structures will be removed at the end of construction.

### Winslow Levee Reconstruction

The existing Winslow Levee is located in the uplands outside of WUS with the exception of points where the LCR impinges the structure. Construction dewatering activities, such as the installation of earthen berms or cofferdams, may incur 0.3 acres of temporary impacts to WUS at the impingement points. These structures will be removed at the end of construction.

### New Setback Levees

New Setback Levees will be constructed in the uplands, behind the existing Winslow Levee. These levees will be located outside the OHWM of the LCR and will have no permanent discharges to WUS. Removal of existing Winslow Levee segments may incur temporary impacts of 0.46 acres at locations where the LCR impinges the structures.

### New Levee Parallel to I-40

The existing Winslow Levee joins the embankment of I-40, causing the embankment to function as a levee. In this project, a new levee parallel to the I-40 would be constructed. This new levee is located in the uplands and will not result in discharges of dredged or fill material within WUS.

To Recap: A total of 22.61 temporary impacts and 1.2 permanent impacts to WUS will result from this project.

## **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. CWA §401 WQC application with project descriptions and maps, dated June 21, 2018 and received by ADEQ on June 25, 2018. Permittee: Eduardo De Mesa, U.S. Army Corps of Engineers, Los Angeles District.
- B. State of Arizona Surface Water Quality Standards (SWQS), Arizona Administrative Code (A.A.C.) Title 18, Chapter 11, Article 1. Designated uses for the Little Colorado River are:
  1. Aquatic and Wildlife warm (A&Ww);
  2. Domestic Water Source (DWS);
  3. Full Body Contact (FBC);
  4. Fish Consumption (FC);
  5. Agriculture Irrigation (AgI); and
  6. Agriculture Livestock (AgL)
- C. Additional reference documents:
  1. Little Colorado River Feasibility Study Report, Appendix J, dated April 2016
  2. Draft Integrated Feasibility Report with Environmental Impact Statement, dated May 2016

#### **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: ls7@azdeq.gov

Voice: (602) 771-4409

In any correspondence, reference:

Little Colorado River Flood Risk Management

ADEQ LTF No.: 72074

Reading file: SWGP18-0187

#### **5. CONDITIONS FOR STATE 401 WATER QUALITY WQC**

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 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. If monitoring, by ADEQ or others, indicates that a discharge from the certified activities results in a violation of Arizona's surface water quality standards (numeric or narrative), ADEQ may file a Report of Potential Unauthorized Activity with the USACE, requesting an investigation of the situation.
3. 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.
4. This WQC applies only to the activities described in Section 2 and is based upon the information listed in Section 3. This WQC may be reopened by ADEQ at any time due to a change 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.
  5. 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.
  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 and supporting documents.

#### **SPECIFIC CONDITIONS**

Except as specified in the application and supporting documents, including those documents referenced in Section 3, the following specific conditions apply:

8. Clearing, grubbing, scraping or otherwise exposing erodible surfaces shall be minimized to the extent necessary for each construction phase or location.
9. Dredged or fill material shall be placed so that it is stable, meaning after placement, the material does not show signs of excessive erosion. Indicators of excess erosion include: gullyng, head cutting, caving, block slippage, material sloughing, etc. Material shall not discharge (via leaching, runoff) pollutants into streams or wetlands.
10. Erosion control, sediment control and/or bank protection measures shall be installed before construction and pre-operation activities, and shall be maintained during construction and post-construction periods to minimize channel or bank erosion, soil loss and sedimentation. Control measures shall not be constructed of uncemented or unconfined imported soil, or other materials easily transported by flow.
11. The effectiveness of all pollution control measures, including erosion and sediment control measures, shall be inspected, maintained and modified (as necessary) to reduce pollutants and ensure compliance with SWQS in any WUS.
12. Direct runoff of water used for irrigation or dust control shall be limited to the extent practicable and shall not cause downstream erosion or flooding nor cause an exceedance of applicable SWQS in any WUS.
13. Except where the activities certified herein are intended to permanently alter any WUS, all disturbed areas within WUS shall be restored and (re)vegetated as indicated in the application documents. Denuded areas within WUS not intended to be permanently altered shall be revegetated as soon as physically practicable.

14. Activities herein certified shall, as much as practicable, be performed during periods of low flow (baseflow or less) in any perennial WUS, or no flow in any ephemeral or intermittent WUS. No work shall be done, nor shall any equipment or vehicles enter any WUS while flow is present, unless all conditions in this WQC are met.
15. When flow is present in any WUS within the project area, the applicant and any contractor will not alter the flow by any means except to prevent erosion or pollution of any WUS.
16. Any disturbance within the ordinary high water mark of a WUS that is not intended to be permanently altered shall be stabilized to prevent erosion and sedimentation.
17. Applicant will take measures necessary to prevent approaches to any WUS crossing from causing erosion or contributing sediment to any WUS.
18. The applicant shall implement control measures necessary to maintain designated use(s) in WUS both upstream and downstream of the project area.
19. When flow in any WUS in the work area is sufficient to erode, carry or deposit material, activities certified herein shall cease until:
  - The flow decreases below the point where sediment movement ceases; or
  - Control measures have been undertaken: equipment and materials easily transported by flow are protected with non-erodible barriers or moved outside the flow area.
20. Silt laden or turbid water resulting from activities certified herein shall managed in a manner to reduce sediment load prior to discharging so as not to exceed SWQS in any WUS.
21. Any washing or dewatering of fill material must occur outside of any WUS prior to placement and the rinsate from such washing shall be settled, filtered or otherwise treated to prevent migration of pollutants (including sediment) or from causing erosion to any WUS. Other than replacement of native fill or material used to support vegetation rooting or growth, fill placed in locations subject to scour must resist washout whether such resistance is derived via particle size limits, presence of a binder, vegetation, or other armoring.
22. If activities certified herein are likely to cause or contribute to an exceedance of SWQS in any WUS operations shall cease until the problem is resolved or until control measures have been implemented.
23. Construction material and/or fill (other than native fill or that necessary to support re-vegetation) placed in any WUS shall not include pollutants in concentrations that will that will cause or contribute to a violation of a SWQS in any WUS.

Acceptable construction materials that will or may contact water in any WUS are: untreated logs and lumber; natural stone (crushed or not), crushed clean concrete (recycled concrete); native fill; precast, sprayed or cast-in-place concrete (including soil cement and unmodified grouts); steel (including galvanized); plastic and aluminum. Other materials allowed for this project, only if placed in accordance with

application and supporting documents, are mining residues including tires, waste rock, gangue and tailings. Use of other materials may be allowed, but require prior written approval from ADEQ.

24. The applicant will erect any barriers, covers, shields and other protective devices as necessary to prevent any construction materials, equipment or contaminants/pollutants from falling, being thrown or otherwise entering any WUS.
25. Area(s) must be designated, entirely outside of any WUS, for equipment staging and storage. In addition, the applicant must designate areas, located entirely outside of any WUS, for fuel, oil and other petroleum product storage and for solid waste containment. All precautions shall be taken to avoid the release of wastes, fuel or other pollutants to any WUS.

Any equipment maintenance, washing or fueling that cannot be done offsite will be performed in the designated area with the following exception: equipment too large or unwieldy to be readily moved, such as large cranes, may be fueled and serviced in the WUS (but outside of standing or flowing water) as long as material specifically manufactured and sold as spill containment is in place during fueling/servicing. All equipment shall be inspected for leaks, all leaks shall be repaired and all repaired equipment will be cleaned to remove any fuel or other fluid residue prior to use within (including crossing) any WUS.

26. Upon completion of the activities certified herein, areas within any WUS shall be promptly cleared of all forms, piling, construction residues, equipment, debris or other obstructions.
27. If fully, partially or occasionally submerged structures are constructed of cast-in-place concrete instead of pre-cast concrete, applicant will take steps using sheet piling or temporary dams to prevent contact between water (instream and runoff) and the concrete until it cures and until any curing agents have evaporated or are no longer a pollutant threat.
28. Washout of concrete handling equipment must not take place within any WUS and any washout runoff shall be prevented from entering any WUS.
29. Any permanent WUS crossings other than fords, shall not be equipped with gutters, drains, scuppers or other conveyances that allow untreated runoff (due to events equal to or lesser in magnitude than the design event for the crossing structure) to directly enter a WUS if such runoff can be directed to a local stormwater drainage, containment and/or treatment system.
30. All temporary structures constructed of imported materials and all permanent structures, including but not limited to, access roadways; culvert crossings; staging areas; material stockpiles; berms, dikes and pads, shall be constructed so as to accommodate overtopping and resist washout by streamflow.
31. Any temporary crossing, other than fords on native material, shall be constructed in such a manner so as to provide armoring of the stream channel. Materials used to provide this armoring shall not include anything easily transportable by flow. Examples of acceptable materials include steel plates, untreated wooden planks, pre-

cast concrete planks or blocks; examples of unacceptable materials include clay, silt, sand and gravel finer than cobble (roughly fist-sized). The armoring must, via mass, anchoring systems or a combination of the two, resist washout.

32. No vehicles or equipment shall ford any unarmored WUS crossing when flow is present.
33. Any ford, other than fords on native material, shall be designed, and maintained as necessary, to carry the proposed traffic without causing erosion or sedimentation of the stream channel while dry or during a flow event equal to or less than the design event for the crossing.
34. No unarmored ford shall be subject to heavy-truck or equipment traffic after a flow event until the streambed is dry enough to support the traffic without disturbing streambed material to a greater extent than in dry conditions. Light vehicles (less than 14,000 pounds gross weight) are not restricted by this condition.
35. Temporary structures constructed of imported materials are to be removed no later than upon completion of the permitted activity.
36. Temporary structures constructed of native materials, if they provide an obstacle to flow, or can contribute to or cause erosion, or cause changes in sediment load, are to be removed no later than upon completion of the permitted activity.