

*LOS ANGELES DISTRICT
U.S. ARMY CORPS OF ENGINEERS*

**DEPARTMENT OF THE ARMY REGIONAL
GENERAL PERMIT NO. 96
Routine Transportation Activities
ARIZONA**

Permittee: This Regional General Permit (RGP) applies to Arizona statewide Waters of the U.S. (Waters), occurring within Arizona Department of Transportation right-of-way or easement (including temporary construction easements) (ADOT ROW/EASEMENT) through non-tribal lands and Local Public Agency projects federally funded by Federal Highway Administration (FHWA) that are bid and administered by ADOT (LPA ROW/EASEMENT).

Permit Number: SPL-2014-00625-KAT

Issuing Office: Los Angeles District

Effective Date: February 23, 2016

Expiration Date: February 23, 2021

Project Description

The District Engineer, Los Angeles District, U. S. Army Corps of Engineers hereby issues RGP No. 96.

This RGP authorizes the following with the associated limitations and requirements (see “Levels of Notification” for definitions):

AUTHORIZED ACTIVITIES	NON NOTIFICATION	CONCURRENCE NOTIFICATION	FULL PRE-CONSTRUCTION NOTIFICATION
Maintain Structure - Existing structures/facilities/fill repair or replacement Geotechnical Activities – Maximum 4 bore hole 3 feet in diameter Sediment/Debris Removal – no greater than 200 linear feet from structure Erosion Repair - Removed accumulated sediment for erosion repair – place within 100 linear feet of structure Emergency Activity - Increases the allowable time to 3 years to commence or be under contract to commence emergency maintenance activities or repair of uplands damaged by discrete events			The following activities do not have acreage threshold requirements for the different levels of notification. Refer to the levels of notification below to determine which level the following activities would fall within based on impacts associated with perennial, special aquatic sites, Endangered Species Act (ESA) or National Historic Preservation Act (NHPA).

AUTHORIZED ACTIVITIES	NON NOTIFICATION	CONCURRENCE NOTIFICATION	FULL PRE-CONSTRUCTION NOTIFICATION
*Re-Establish Design Flow Carrying Capacities:	Less than 0.10 acre disturbance to each Waters	between 0.10 and 0.50 acre disturbance to each Waters and if removal occurs less than annually due to public safety	> 0.50 acre up to 1 acre disturbance to each Waters and if removal occurs less than annually due to public safety.
*Bed Stabilization - Limited stream bed stabilization in existing, constructed drainage channels	less than 0.10 acre disturbance to each Waters	between 0.10 and 0.50 acre disturbance to each Waters	> 0.50 acre up to 1 acre disturbance to each Waters
*Bank Stabilization – Bank Stabilization of existing stabilized slopes - Permeable Bank Stabilization Methods	Equal to and less than 1,000 linear feet total impact and up to an average of 2 cubic yards of material per running foot below the ordinary high water mark (OHWM)	greater than 1,000 up to 2,000 linear feet total impact and up to 2 cubic yards of material per running foot below the OHWM	greater than 2,000 linear feet up to 3,000 linear feet total impact or greater than 2 cubic yards of material per running foot below the OHWM
*Bank Stabilization – Bank Stabilization of existing stabilized slopes - Impermeable Bank Stabilization Methods	Equal to and less than 600 linear feet total impact and up to an average of 2 cubic yards of material per running foot below the OHWM	greater than 600 and up to 1200 linear feet total impact and up to 2 cubic yards of material per running foot below the OHWM	greater than 1200 linear feet up to 2400 linear feet total impact or greater than 2 cubic yards of material per running foot below the OHWM
*Routine Linear Transportation Projects	less than 0.10 acre permanent impact to each Waters	between 0.10 acre and 0.50 acre permanent impact to each Waters	between 0.50 acre and 1 acre permanent impact to each Waters

*These activities may require notifications due to impacts associated with ESA, NHPA or impacts to perennial waters or special aquatic sites

The following activities do not have acreage threshold requirements for the different levels of notification. Refer to the levels of notification below to determine which level of notification is required.

Maintain Structure - Existing structures/facilities/fill repair or replacement

The repair, rehabilitation, or replacement of any previously authorized, currently serviceable structure or fill to maintain the structural integrity and operational capacity of the previously authorized, currently serviceable structure or fill, or of any currently serviceable structure or fill authorized by 33 CFR 330.3, for adequate drainage, flood hazard reduction, and overall public safety. Minor deviations in the structure's configuration or filled area, including those due to changes in materials, construction techniques, requirements of other regulatory agencies, or current construction codes or safety standards that are necessary to make the repair, rehabilitation, or replacement are authorized.

Geotechnical Activities

Activities include borings no greater than 3 feet in diameter and a maximum of 4 borings within each Waters. Material may be removed offsite or used to backfill boring holes if no other state or federal regulation would prohibit that activity. This would also include temporary access and temporary discharges as long as the impact is minimal and the site is restored to pre-project conditions/contours.

Sediment/Debris Removal

Remove accumulated sediments and debris in vicinity of existing structure within Waters.

Activities include the removal of deposited sediment, debris, woody and herbaceous vegetation (including exotic/invasive species), and other obstructions which compromise the integrity of the structure and/or impede flows in the vicinity of existing structures/facilities within two years of deposition. This would include sediment removal using a hydovac system to liquefy the sediment that would be vacuumed out of the channel. The activity shall occur within ADOT ROW/EASEMENT and/or LPA ROW/EASEMENT but no greater than 200 linear feet upstream or downstream of the structure/facility such as bridges, bridge piers, bridge abutment, culverts, roadway fills, etc.

Erosion Repair - Removed accumulated sediment for erosion repair

Activities include the use of removed/ excavated accumulated sediments to be utilized to repair erosion cuts in banks or bed that are located within 100 feet of the structure from where it is originally removed within Waters. The use of the accumulated sediments to repair erosion damage must occur simultaneously with removal activities and accumulated sediments may only be temporarily stockpiled in the channel while removal/replacement activities are concurrently occurring. All excess material not used within that 100 feet shall be removed from the watercourse to an upland site.

Emergency Activity - Increases the allowable time to commence or be under contract to commence emergency maintenance activities or repair of uplands damaged by discrete events

This activity allows the repair, rehabilitation, or replacement of those structures or fills destroyed or damaged by storms, floods, fire or other discrete events, provided the repair, rehabilitation, or replacement is commenced, or is under contract to commence, within three years of the date of their destruction or damage. This would allow the repair of uplands damaged by discrete events provided the work is commenced or under contract to commence within three years of the damage.

The following activities have acreage threshold requirements for the level of notification in addition to what it described below in the notification levels.

Re-Establish Design Flow Carrying Capacities:

Activities include sediment, debris, vegetation and obstruction removal to re-establish design flow carrying capacity in a watercourse for public safety when flow events do not sufficiently fully flush those materials completely through the system, which may result in flooding or erosion of adjacent property. This would include sediment removal using a hydovac system to liquefy the sediment that would be vacuumed out of the channel. Activity is limited to within the ADOT ROW/EASEMENT and/or LPA ROW/EASEMENT, upstream or downstream of the structure/facility such as bridges, bridge piers, bridge abutment, culverts, roadway fills, etc.

- Non-notification: less than 0.10 acre disturbance to each Waters
- Concurrence Notification: between 0.10 and 0.50 acre disturbance to each Waters and if removal occurs less than annually due to public safety
- Full Pre-Construction Notification (PCN): > 0.50 acre up to 1 acre disturbance to each Waters and if removal occurs less than annually due to public safety.

Bed Stabilization - Limited stream bed stabilization in existing, constructed drainage channels

Activities for bed stabilization include the repair or replacement of existing structures/fill to maintain the structural integrity and operational capacity of the structures/fill for adequate drainage, flood hazard reduction, and overall public safety. The repair/replacement is limited to minor projects resulting in permanent disturbance of Waters not to exceed a maximum of 1 acre.

- Non-notification: less than 0.10 acre disturbance to each Waters
- Concurrence Notification: between 0.10 and 0.50 acre disturbance to each Waters
- Full PCN: > 0.50 acre up to 1 acre disturbance to each Waters

Bank Stabilization – Bank Stabilization of existing stabilized slopes

Activities would include construction of new bank stabilization or repair of existing bank stabilization structures or fill. Bank stabilization may be constructed of permeable materials such as riprap, gabion mattresses, and bioengineered techniques (or equivalent) or impermeable materials such as shotcrete, concrete, or cement stabilized alluvium (or equivalent). Tiered notification would include:

a. Permeable Bank Stabilization Methods

- Non-notification: equal to and less than 1,000 linear feet total impact and up to an average of 2 cubic yards of material per running foot below the OHWM
- Concurrence notification: greater than 1,000 and up to 2,000 linear feet total impact and up to 2 cubic yards of material per running foot below the OHWM
- Full pre-construction notification: greater than 2,000 linear feet up to 3,000 linear feet total impact or greater than 2 cubic yards of material per running foot below the ordinary high water mark

b. Impermeable Bank Stabilization Methods

- Non-notification: equal to and less than 600 linear feet total impact and up to an average of 2 cubic yards of material per running foot below the OHWM
- Concurrence notification: greater than 600 and up to 1200 linear feet total impact and up to 2 cubic yards of material per running foot below the OHWM
- Full pre-construction notification: greater than 1200 linear feet up to 2400 linear feet total impact or greater than 2 cubic yards of material per running foot below the ordinary high water mark

Routine Linear Transportation Projects

Activities would include the construction of new transportation facilities or modifications to existing facilities within existing ADOT ROW/EASEMENT and/or LPA ROW/EASEMENT. Examples include new construction, replacement, or modifications of bridge piers and shafts, culverts, ditches, erosion protection measures, bridge scour retrofit, or roadway fill. Bridge scour retrofit activities would include stockpiling of native material to be backfilled below the OHWM, without impeding flows. Tiered notification would include:

- Non-notification: less than 0.10 acre permanent impact to each Waters
- Concurrence notification: between 0.10 acre and 0.50 acre permanent impact to each Waters
- Full pre-construction notification: between 0.50 acre and 1 acre permanent impact to each Waters

Levels of Notification

This RGP 96 authorizes Non-notification for simple, limited transportation activities, Concurrence Notification for notification with minimal process time frames, and Full PCN for the largest routine transportation activities. Any activity which exceeds the Full PCN threshold for any covered activity shall require a Section 404 individual permit. This RGP 96 cannot be used when the activities have been evaluated under an Environmental Impact Statement that ADOT/FHWA had to prepare as a part of the National Environmental Policy Act (NEPA) process.

Non Notification - Requires no advance notification to the Corps prior to commencement of the activity. Does not allow any work to permanently or temporarily impact perennial waters or special aquatic sites; only in intermittent and ephemeral washes. Those limited transportation projects would be typified by removal of sediment from a culvert to restore its design flow carrying capacity, the removal of storm debris, or the replacement of small amounts of rock rip rap to repair or arrest erosion damages. Usually the removal of partially buried storm debris or culvert cleaning projects requires manual labor to dig out the accumulated material from the culvert and then a second step to properly dispose of that material. These types of projects, although often labor intensive, do not usually involve much equipment activity (if any) in the watercourse and only the temporary presence of small quantities of trans-located sediments. This could include hydro vacuuming as long as the impact is temporary. Small additions of rock riprap to address

erosion issues are often initiated from outside of the watercourse. Any non-notification project which may affect any threatened or endangered species or modify any designated critical habitat of a threatened or endangered species may not proceed under non-notification and the applicant shall provide Concurrence Notification to the Corps. No activity which may affect historic properties listed, or eligible for listing, in the National Register of Historic Properties (NRHP) is allowed proceed under non-notification and the applicant shall provide Concurrence Notification to the Corps.

Concurrence Notification - Constitutes the mid-range level pre-construction project notification to the Corps under the RGP 96. This notification allows up to 0.10 acre of permanent impact per drainage crossing within perennial Waters and no impacts to special aquatic sites. At this level of notification, the RGP 96 Notification Form shall be completed and emailed to the local Corps regulatory representative a minimum of 14 calendar days before the commencement of work. This allows the Corps to more thoroughly review the project summary information, request follow up information as needed, and formally acknowledge and concur via email that the project meets (or does not meet) the conditions of this notification based on the information provided. Presumptive concurrence would be the default condition if no response to the submittal was received after 14 calendar days. If, during the 14-day notification period, the Corps determines the proposed activity may affect a threatened or endangered species or adversely modify designated critical habitat or a threatened or endangered species, the Corps will notify the applicant for additional information. Work may not commence until the Corps has received documentation from ADOT when the project is funded by FHWA or the Corps has consulted with the U.S. Fish and Wildlife Service (USFWS). If, during the 14-day notification period, the Corps determines the proposed activity may affect historic properties listed, or eligible for listing, in the NHRP, the Corps will notify the applicant for additional information. Work may not commence until the Corps has received documentation from ADOT when the project is funded by FHWA or the Corps has consulted with the Tribal and/or State Historic Preservation Office.

Full Pre-Construction Notification - Constitutes the highest level notification under the RGP 96 and requires a complete PCN as defined under current Corps Nationwide Permit Notification requirements. Standard reviews and acknowledgements as defined under regulations in effect at that time would be conducted by the Corps. The Corps shall attempt to complete the verifications for full PCN projects within 45 days from the date the notification is complete but may extend this as warranted by other requirements such as Section 7 of the ESA or Section 106 NHPA consultations. Work may not commence until the Corps has received documentation from ADOT when the project is funded by FHWA or the Corps has consulted with the USFWS. Work may not commence until the Corps has received documentation from ADOT when the project is funded by FHWA or the Corps has consulted with the Tribal and/or State Historic Preservation Office. This notification allows up to 0.025 acre of permanent or temporary impact per drainage crossing to special aquatic sites, such as wetlands and permanent impacts to perennial Waters greater than 0.10 acre.

Project Location: Arizona statewide Waters, occurring within ADOT ROW/EASEMENT through non-tribal lands and LPA ROW/EASEMENT.

Permit Conditions

General Conditions:

1. Permittee understands and agrees that, if future operations by the United States require the removal, relocation, or other alteration, of the structure or work herein authorized, or if, in the opinion of the Secretary of the Army or his authorized representative, said structure or work shall cause unreasonable obstruction to the free navigation of the navigable waters, the permittee will be required, upon due notice from the Corps of Engineers, to remove, relocate, or alter the structural work or obstructions caused thereby, without expense to the United States. No claim shall be made against the

United States on account of any such removal or alteration.

Special Conditions:

The following list is comprised of proposed Permit Special Conditions, which are required of similar types of projects:

1. Permittee must undertake the activities authorized by this permit in conformance with the terms and conditions of this permit. The Permittee is not relieved of this requirement if the existing structure/facility/fill in Waters is abandoned. Should the Permittee wish to cease to maintain the existing structure/facility/fill or should Permittee desire to abandon it without a good faith transfer, a modification must be obtained from this permit from this office, which may require restoration of the area.
2. When the structures or work authorized by this permit are still in existence at the time the property is transferred, the terms and conditions of this permit will continue to be binding on the new owner(s) of the property. To validate the transfer of this permit and the associated liabilities associated with compliance with its terms and conditions, the new permittee shall sign on the Transferee block located on the signature page of this permit. By signing the signature block, the Transferee acknowledges being provided a complete copy of this permit and agrees to comply with all terms and conditions of this permit.
3. If on December 7, 2020 you have commenced or are under contract to commence the permitted activity you will have an additional twelve (12) months to complete the activity under the present RGP 96 terms and conditions. However, if the Corps discovers noncompliance or unauthorized activities associated with the permitted activity the Corps may request the use of discretionary authority in accordance with procedures in 33 CFR § 330.4(e) and 33 CFR § 330.5(c) or (d) to modify, suspend, or revoke this specific verification at an earlier date.
4. Sediment removal activities authorized under **Re-Establish Design Flow Carrying Capacities** of this RGP 96 for Notifications shall not occur more than once annually per location unless severe flow events result in a public safety issue. The applicant shall provide a written justification to the Corps with the appropriate notification level due to acreage impacts, if public safety issues exceed this condition. All sediment removal activities shall be completed within 90 calendar days of onset of the activity at a specific location.
5. Prior to submittal of a PCN for use of this RGP 96, the applicant shall conduct a Phase I (Class III) Survey of the project site in accordance with Section 106 of the NHPA. This survey shall be provided as an attachment to the required PCN. Applicants should request approval via email, of their scope of work prior to initiation of the survey. If, based on the review of this information by the Corps, it is determined that the project has the potential to impact a property that is listed or eligible for listing on the NRHP, the Corps will complete all coordination required by Section 106 of the NHPA prior to making a decision as to whether the project can proceed under this RGP 96, except in the case of federally funded projects, then FHWA/ADOT will be the lead and conduct Section 106 consultation in coordination with the Corps.
6. Pursuant to 36 C.F.R. Section 800.13, if previously unidentified archaeological or architectural properties are discovered, or unanticipated effects to known properties occur during construction, the Permittee shall immediately suspend all work in any area(s) where potential cultural resources are discovered. The Permittee shall not resume work in the area surrounding the potential cultural resources until the Corps re-authorizes project activities. In addition, the following procedures shall be followed:

- If the discovery is on state, county, municipal, or private lands, and does not include human remains, the Permittee shall notify the State Historic Preservation Office at 602-542-7120 and the Corps of Engineers' Archaeology Staff (Danielle Storey (213) 452-3855) within 24 hours. If the discovery is on state, county, or municipal land, ADOT shall also notify the Director of the Arizona State Museum (ASM) per ARS § 41-844.
 - If the discovery is on state, county, municipal, or private lands, and does include human remains or objects of national or Tribal patrimony, the Permittee shall notify the State Historic Preservation Office at 602-542-7120, the Director of ASM, and the Corps of Engineers' Archaeology Staff (Danielle Storey (213) 452-3855) within 24 hours, and shall follow the requirements of ARS § 41-844. The Permittee shall also notify the state agency or local government with jurisdiction, if any.
 - If the discovery is on federal land and does not include human remains, the Permittee shall notify the State Historic Preservation Office at 602-542-7120, the federal land manager, and the Corps of Engineers' Archaeology Staff (Danielle Storey (213) 452-3855) within 24 hours.
 - If the discovery is on federal land and includes human remains or objects of national or Tribal patrimony, the Permittee shall notify the State Historic Preservation Office at 602-542-7120, the federal land manager, and the Corps of Engineers' Archaeology Staff (Danielle Storey (213) 452-3855), and shall follow the provisions of any Native American Graves and Repatriation Act (NAGPRA) Plan of Action (POA) that is in effect.
7. The Permittee shall allow representatives from this office to inspect the authorized activities at any time deemed necessary to ensure that it is being or has been accomplished with the terms and conditions of this permit.
 8. This RGP 96 cannot be combined with other Section 404 authorizations including Nationwide Permits, other RGPs, or individual permits to increase scope of work, the area of impacts to Waters, or the limits to the discharge of fill material at a specific or proximal location.
 9. The permittee shall comply with all requirements and conditions in the letter of Clean Water Act Section 401 Certification (ADEQ LTF No. 62686) from the Arizona Department of Environmental Quality issued on October 26, 2015. These certifications demonstrate that the permittee has complied with Section 401(a) of the Clean Water Act. A copy of the letter is enclosed.

Administration

10. The Permittee shall provide a copy of this permit to all field staff, contractors, subcontractors, and equipment operators. Copies of this permit shall be readily available at the work site at all times during periods of active work, and shall be presented to any Corps Regulatory Division personnel upon request.

Notification and Reporting

11. Activities described above that require notification, shall be submitted to the Corps Regulatory Division at least 14 days for Concurrence Notification and 45 days for Full Pre-Construction Notification, prior to initiation of construction or maintenance activity. Verification from the Corps must be received prior to initiation of the activity. The notification shall include the following for the Corps Regulatory Division to determine if the proposed activities comply with the terms and conditions of this permit:
 - a. A completed Preliminary Jurisdictional Determination Form including: project location (i.e., latitude/longitude coordinates of the approximate center point of the project in degrees/minutes/seconds format), U.S.G.S. 7.5 minute quadrangle name, and datum. For

linear projects the upstream and downstream coordinates shall be reported; for all others, the approximate center of the project location shall be reported.

- b. The RGP 96 Notification Form shall be used and include the following:
 - i. A brief description of the existing design features of the structure/facility/fill, proposed activities in Waters, an estimate of temporary impacts (in acres), an estimate of permanent impacts (if any, in acres), an estimate of excavation/fill quantities (in cubic yards), and type of materials proposed to maintain or repair the structure/facility/fill.
 - ii. A brief narrative or drawings of the methods to divert water/dewater.
 - iii. A description of post-construction site restoration/revegetation.
 - iv. A statement of the proposed activities potential to affect cultural resources and a description of compliance with applicable federal regulations which protect these resources.
 - v. A statement of the proposed activities potential to affect federally listed endangered or threatened species or designated critical habitat, and a description of compliance with applicable federal regulations which protect these resources.
 - c. For notification due to Bank Stabilization activities the following shall also be included in the notification.
 - i. A narrative description of the stream. This should include known information on: volume and duration of flow; the approximate length, width, and depth of the waterbody and characters observed associated with an OHWM (e.g. bed and bank, wrack line, or scour marks); a description of the adjacent vegetation community and a statement regarding the wetland status of the associated vegetation community (i.e. wetland, non-wetland); surrounding land use; water quality; issues related to cumulative impacts in the watershed, and; any other relevant information.
 - ii. An analysis of the proposed impacts to the waterbody which would include a written statement describing how the activity has been designed to avoid and minimize adverse effects, both temporary and permanent, to waters of the United States; drawings, including plan and cross-section views, clearly depicting the location, size and dimensions of the proposed activity as well as the location of delineated Waters on the site.
 - iii. Measures taken to avoid and minimize losses, including other methods of constructing the proposed project; and
 - iv. A mitigation plan describing how the unavoidable losses are proposed to be compensated, in accordance with 33 CFR Part 332.
 - d. For a Full Preconstruction Notification the submittal shall include all of the same information as defined under current Corps Nationwide Permit Notification requirements.
12. Maintenance activities that include only the cutting and removal of vegetation above the ground (e.g., mowing, rotary cutting, chain sawing, etc.), where the activity does not substantially disturb the root system and does not involve mechanized pushing dragging or similar activity that would redeposit soil, are not regulated activities under Section 404 of the Clean Water Act; therefore notification to the Corps Regulatory Division for these activities is not required.
 13. Within three months of permit issuance, ADOT shall develop and maintain an internal tracking system that includes all completed non-notification construction and maintenance activities in Waters, or special aquatic sites, covered by this permit. Maintenance project documentation shall include activity description, the start and end dates of the work, and project coordinates. Construction project documentation shall include that listed above for maintenance plus site restoration/revegetation activities and date installed, if applicable, at least one before and one after photo of the construction and revegetation area, and a brief discussion of any problems and

corrective measures taken. Beginning in 2016, ADOT shall provide a copy of the tracking system report to Corps Regulatory Division once per year, by September 30 for the period July 1 through June 30.

Resource Protection

14. Native trees with a diameter at breast height (dbh) of four inches or greater shall not be removed unless they are no longer upright, present a significant flow obstruction or a safety hazard.
15. Prior to submittal of a PCN for use of this RGP 96, Permittee shall utilize the Arizona Game and Fish Online Environmental Review Tool to research the project area and determine impacted fish and wildlife species and their habitat. In addition, Permittee shall coordinate with Arizona Game and Fish to determine any further impacts to plant and animal species and their habitat.
16. This permit does not authorize you to take any threatened or endangered species or adversely modify designated critical habitat. In order to legally take a listed species, separate authorization under the Endangered Species Act (e.g. Section 10 permit, or a Biological Opinion (BO) under Section 7, with "incidental take" provisions with which you must comply) is required.
17. This permit does not authorize you to take any migratory birds pursuant to the Migratory Bird Treaty Act. Vegetation shall not be removed from 1 February to 30 August to avoid impacts to nesting birds unless the results of a pre-project bird survey by a qualified biologist indicates no nesting birds are present in the project area. Pre-project surveys shall be conducted within two weeks of the proposed vegetation removal. Survey results shall be submitted to the Corps Regulatory Division prior to construction activities in Waters (electronic mail, facsimile, standard mail, is acceptable). If nesting birds are present, no work shall occur until the young have fledged and would no longer be impacted by the project. Survey results shall be submitted to the Corps Regulatory Division prior to construction activities in Waters
18. Prior to initiating construction activities in Waters, the Permittee shall clearly mark the work area limits with flagging or similar measures to ensure mechanized equipment and personnel do not enter Waters, special aquatic sites and adjacent riparian areas outside of permitted work area for the duration of routine transportation activities in or adjacent to Waters Such impacts could result in permit suspension and revocation, administrative, civil or criminal penalties, and/or substantial compensatory mitigation requirements.
19. Appropriate measures must be taken to maintain near normal downstream flows and to minimize flooding **only during project activities in Waters** Flows shall not be diverted outside of the ordinary high watermark of any water of the U.S. Fill materials must be of a type, and be placed in a manner, that will not result in erosion by high flows.
20. No debris, soil, sand, bark, slash, sawdust, rubbish, cement or washings thereof, asphalt, oil or petroleum products, or any other material that may be harmful to fish or wildlife, that results from routine transportation activities and associated activities shall be allowed to enter or be placed where it may be washed by rainfall or runoff into Waters. When routine transportation activities are completed, all excess materials, and/or debris shall be removed from the work area to an approved off-site disposal area, outside of Waters.

Site Restoration

21. Invasive and noxious plant species removed during routine transportation activities shall be disposed at an approved off-site location, outside Waters. Plants to be controlled shall include those listed in the State and Federal Noxious Weed and the State Invasive Species list in accordance with State and Federal Laws and Executive Orders.
22. Routine transportation activities authorized under this permit are expected to involve temporary impacts to Waters, including special aquatic sites, and adjacent riparian areas, and permanent impacts may occur. Temporary and permanent impacts to Waters and special aquatic sites, if not avoided or minimized, shall be mitigated in accordance with the Corps Mitigation Rule (33 CFR 332, April 2008). Temporary and permanent mitigation proposals shall be approved by the Corps Regulatory Division prior to routine transportation activities in Waters.

Restrictions on the Discharge

23. Staging and storage areas for equipment and construction materials shall be located in uplands and where possible, a minimum of 100 feet from Waters. Storage areas located less than 100 feet from Waters shall be approved by the Corps Regulatory Division, and these areas shall be shown on construction plans. Temporary stockpiling is authorized only where it is specifically stated in the covered activities; all temporary stockpiling shall be removed within two weeks of completion of the activity.
24. Temporary fills in special aquatic sites are not allowed unless specifically authorized by the Corps Regulatory Division. Following completion of the routine transportation activity, temporary fills must be entirely removed to an upland location, outside Waters, and the affected area must be restored to the pre-project condition in accordance with the provision of the Corps Mitigation Rule (33 CFR 332).
25. The Permittee is authorized to perform the work described in this RGP 96 provided that upstream and downstream Waters are not degraded by such activities. Routine transportation activities may include, but are not limited to, the repair of bridge piers, bridge abutments, and repair or replacement of inlet and outlet structures. Where temporary water diversion, grading, filling or excavation occurs as part of the repair or replacement, the Permittee shall ensure standard Best Management Practices are in place to minimize turbidity within the affected waterbody. Standard BMPs are provided in the *ADOT Erosion and Pollution Control Manual for Highway Design and Construction*, available on the ADOT website.
26. Work in streams or rivers with ephemeral or intermittent flows shall be performed during periods when the channel is dry or flows are absent or minimal. Work within waterways with perennial flow shall be performed during the driest period of the year and during low flow conditions, generally April through June. When work in flowing or standing water is unavoidable, standard best management practices shall be implemented to minimize turbidity within the affected waterbody, and appropriate measures must be taken to minimize flooding and erosion on adjacent properties. Equipment working in wetlands shall be placed on mats (or equivalent) to minimize soil disturbance and compaction.
27. Any work undertaken by this project shall not cause more than minimal degradation of water quality, more than minimal changes to the flow characteristics of the stream, or increase flooding on adjacent properties or downstream of the proposed routine transportation activity. Any work undertaken shall not excavate, fill, or grade in the watercourse outside of the minimum area needed to accomplish the activity and shall not exceed the limits provided by this RGP 96.

28. The Corps Regulatory Division project manager shall be notified within 12 hours of detection of any accidental spill of hazardous materials to waters of the US. Notification may be in the form of an electronic mail message, telephone, or facsimile. Notification shall include the reason for the spill, the exact location of the spill, the type and approximate quantity of the materials spilled, and the measures taken to control and clean up the spilled materials.

Further Information:

1. Congressional Authorities: You have been authorized to undertake the activity described above pursuant to:

- (X) Section 10 of the River and Harbor Act of 1899 (33 U.S.C. 403).
- () Section 103 of the Marine Protection, Research and Sanctuaries Act of 1972 (33 U.S.C. 1314).
- (X) Section 404 of the Clean Water Act (33 U.S.C. 1344).

2. Limits of this authorization.

- a. This permit does not obviate the need to obtain other Federal, state, or local authorizations required by law.
- b. This permit does not grant any property rights or exclusive privileges.
- c. This permit does not authorize any injury to the property or rights of others.
- d. This permit does not authorize interference with any existing or proposed Federal project.

3. Limits of Federal Liability. In issuing this permit, the Federal Government does not assume any liability for the following:

- a. Damages to the permitted project or uses thereof as a result of other permitted or unpermitted activities or from natural causes.
- b. Damages to the permitted project or uses thereof as a result of current or future activities undertaken by or behalf of the United States in the public interest.
- c. Damages to persons, property, or to other permitted or unpermitted activities or structures caused by the activity authorized by this permit.
- d. Design or construction deficiencies associated with the permitted work.
- e. Damage claims associated with any future modification, suspension, or revocation of this permit.

4. Reliance on Applicant's Data: The determination of this office that issuance of this permit is not contrary to the public interest was made in reliance on the information you provided.

5. Reevaluation of Permit Decision. This office may reevaluate its decision on this permit at any time the circumstances warrant. Circumstances that could require a reevaluation include, but are not limited to, the following:

- a. Failure to comply with the terms and conditions of this permit.
- b. The information provided by the Permittee in support of the permit application proves to have been false, incomplete, or inaccurate (See 4 above).
- c. Significant new information surfaces which this office did not consider in reaching the original public interest decision.
- d. Such a reevaluation may result in a determination that it is appropriate to use the suspension, modification, and revocation procedures contained in 33 CFR 325.7 or enforcement

procedures such as those contained in 33 CFR 326.4 and 326.5. The referenced enforcement procedures provide for the issuance of an administrative order requiring you to comply with the terms and conditions of your permit and for the initiation of legal action where appropriate. You will be required to pay for any corrective measure ordered by this office, and if you fail to comply with such directive, this office may in certain situations (such as those specified in 33 CFR 209.170) accomplish the corrective measures by contract or otherwise and bill you for the cost.

6. Extensions. Work/activities authorized under RGP 96 expire February 19, 2021. It is expected that the RGP can be reissued for an additional five years; however, the Corps must determine if individual and cumulative impacts were and are expected to remain minimal.

This permit becomes effective when the Federal official, designated to act for the Secretary of the Army, has signed below.

David J. Castanon
Chief, Regulatory Division
(for the District Engineer)

23 February 2016

(DATE)

When the structures or work authorized by this permit are still in existence at the time the property is transferred, the terms and conditions of this permit will continue to be binding on the new owner(s) of the property. To validate the transfer of this permit and the associated liabilities associated with compliance with its terms and conditions, have the transferee sign and date below.

(TRANSFEREE)

(DATE)



Douglas A. Ducey
Governor

ARIZONA DEPARTMENT
OF
ENVIRONMENTAL QUALITY



Misael Cabrera
Director

October 26, 2015

Reading File: SWGP15-0139

Arizona Department of Transportation
Steve Boschen
206 S. 17th Avenue
Phoenix, Arizona 85007

Re: CWA 401 Certification for Regional General Permit # 96

Dear Mr. Boschen:

The Arizona Department of Environmental Quality received your application for CWA 401 Water Quality Certification on June 29, 2015. You submitted this document in accordance with Section 401(a) of the Clean Water Act (CWA) (33 U.S.C. §1251 et seq.) and the Arizona Revised Statutes Section 49-202.

Enclosed please find the issued CWA 401 Water Quality Certification for Regional General Permit # 96. Subject to the conditions in the Certification, the proposed activities are not expected to have a negative impact to the chemical, physical or biological integrity of the impacted waterbodies.

Failure to comply with the CWA Section 404 permit, ADEQ's CWA 401 Water Quality Certification and/or other applicable water quality permits or requirements may result in non-compliance with Arizona Surface Water Quality Standards (Arizona Administrative Code, Title 18, Chapter 1, Article 11) and may result in an enforcement action pursuant to Arizona Revised Statutes, Title 49, Chapter 2, Article 4. Thank you for your efforts to comply with Arizona's environmental requirements. Should you have any comments or questions regarding this matter, please do not hesitate to contact me.

Sincerely,

Nicole Coronado, Project Manager
Stormwater and General Permits Unit

electronic copies: U.S. Army Corps of Engineers, Regulatory Branch – Attn.: Kathleen Tucker
USEPA, Wetlands Regulatory Office
Arizona Department of Transportation, Julia Manfredi

Main Office

1110 W. Washington Street • Phoenix, AZ 85007
(602) 771-2300

Southern Regional Office

400 W. Congress Street • Suite 433 • Tucson, AZ 85701
(520) 628-6733

www.azdeq.gov

printed on recycled paper



CERTIFICATION

STATE OF ARIZONA

Clean Water Act Section 401 Water Quality Certification
U.S. Army Corps of Engineers File No.: SPL-2014-625-KAT
ADEQ LTF No.: 62686

1. AUTHORIZATION

This State Water Quality Certification (Certification) is issued by the Arizona Department of Environmental Quality (ADEQ) under the authority of Section 401(a) of the federal Clean Water Act (CWA) (33 U.S.C. §1251 et seq.) and Arizona Revised Statutes Section 49-202. The conditions listed in Section 5 are in addition to conditions in the pending U.S. Army Corps of Engineers (CoE) Application No. SPL-2014-625-KAT. These Certification conditions are enforceable by the CoE. ADEQ may seek civil penalties up to a maximum of \$25,000 per day per violation if these Certification conditions are 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 Regional General Permit 96 for the Arizona Department of Transportation Routine Transportation Activities will not violate applicable surface water quality standards for projects permitted under this Regional General Permit.

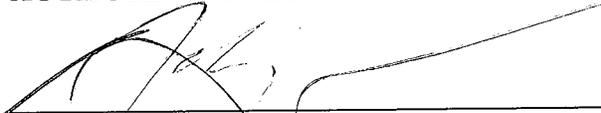
APPLICANT INFORMATION

Project Name: Regional General Permit 96 for ADOT Routine Transportation Activities

Location: Arizona statewide waters of the U.S., occurring within Arizona Department of Transportation (ADOT) right-of-way (ROW) or easement (including temporary construction easement) through non-tribal lands and Local Public Agency (LPA) projects (federally funded by FHWA) that are bid and administered by ADOT.

Applicant: Arizona Department of Transportation
Steve Boschen
206 S 17th Ave
Phoenix, Arizona 85007

AUTHORIZING SIGNATURE



Trevor Baggione
Water Quality Division Director
Arizona Department of Environmental Quality

Reading file: SWGP15-0139

2. DESCRIPTION OF ACTIVITIES TO BE CERTIFIED

ADOT proposes to perform routine transportation, construction and maintenance activities in Waters of the U.S. located within ADOT rights-of-way (ROW) or easements (including temporary construction easement) through non-tribal lands across the state of Arizona. Impacted waterbodies include ephemeral, perennial and intermittent Waters of the U.S., and special aquatic sites such as wetlands statewide within ADOT (ROW) and easements. Amounts of material discharged to a water of the U.S. would be evaluated on a project-by-project basis.

The following activities are authorized under this certification:

Maintain Structure - Existing structures/facilities/fill repair or replacement

The repair, rehabilitation, or replacement of any previously authorized, currently serviceable structure or fill to maintain the structural integrity and operational capacity of the previously authorized, currently serviceable structure or fill, or of any currently serviceable structure or fill authorized by 33 CFR 330.3, for adequate drainage, flood hazard reduction, and overall public safety. Minor deviations in the structure's configuration or filled area, including those due to changes in materials, construction techniques, requirements of other regulatory agencies, or current construction codes or safety standards that are necessary to make the repair, rehabilitation, or replacement are authorized.

Geotechnical Activities

Activities include borings no greater than 3 feet in diameter and a maximum of 4 borings per watercourse. Material may be removed offsite or used to backfill boring holes if no other state or federal regulation would prohibit that activity. This would also include temporary access and temporary discharges as long as the impact is minimal and the site is restored to their pre-project conditions/contours.

Sediment/Debris Removal - Remove accumulated sediments and debris in vicinity of existing structure:

Activities include the removal of deposited sediment, debris, woody and herbaceous vegetation (including exotic/invasive species), and other obstructions which compromise the integrity of the structure and/or impede flows in the vicinity of existing structures/facilities within two years of deposition. This would include sediment removal using a hydovac system to liquefy the sediment that would be vacuumed out of the channel. The activity shall occur within ADOT ROW/easement or LPA ROW/easement but no greater than 200 linear feet upstream or downstream of the structure/facility such as bridges, bridge piers, bridge abutment, culverts, roadway fills, etc.

Erosion Repair - Removed accumulated sediment for erosion repair

Activities include the use of removed accumulated sediments that allows ADOT to utilize excavated materials to repair erosion cuts in banks or bed that are located within 100 feet of the structure from where it is originally removed. The use of the accumulated sediments to repair erosion damage must occur simultaneously with removal activities and accumulated sediments may only be temporarily stockpiled in the channel while removal/replacement activities are concurrently occurring. All excess material not used within that 100 feet shall be removed from the watercourse to an upland site.

Emergency Activity - Increases the allowable time to commence or be under contract to commence emergency maintenance activities or repair of uplands damaged by discrete events

This activity allows the repair, rehabilitation, or replacement of those structures or fills destroyed or damaged by storms, floods, fire or other discrete events, provided the repair, rehabilitation, or replacement is commenced, or is under contract to commence, within three years of the date of their destruction or damage and would also allow the repair of uplands damaged by discrete events provided the work is commenced or under contract to commence within three years of the damage.

Re-Establish Design Flow Carrying Capacities:

Activities include sediment, debris, vegetation, and obstruction removal to re-establish design flow carrying capacity in a watercourse for public safety when flow events do not sufficiently fully flush those completely through the system and would result in flooding or erosion of adjacent property. This would include sediment removal using a hydrovac system to liquefy the sediment that would be vacuumed out of the channel. Activity is limited to within the ADOT ROW/easement or LPA ROW/easement, upstream or downstream of the structure/facility such as bridges, bridge piers, bridge abutment, culverts, roadway fills, etc.

Bed Stabilization - Limited stream bed stabilization in existing, constructed drainage channels

Activities for bed stabilization include the repair or replacement of existing structures/fill to maintain the structural integrity and operational capacity of the structures/fill for adequate drainage, flood hazard reduction, and overall public safety. The repair/replacement is limited to minor projects resulting in permanent disturbance of Waters of the U.S. (Waters of the U.S.) not to exceed a maximum of 1 acre.

Bank Stabilization – Bank Stabilization of existing stabilized slopes

Activities would include construction of new bank stabilization or repair of existing bank stabilization structures or fill. Bank stabilization may be constructed of permeable materials such as riprap, gabion mattresses, and bioengineered techniques (or equivalent) or impermeable materials such as shotcrete, concrete, or cement stabilized alluvium (or equivalent).

Routine Linear Transportation Projects

Activities would include the construction of new transportation facilities or modifications to existing facilities. Examples include new construction, replacement, or modifications of bridge piers and shafts, culverts, ditches, erosion protection measures, bridge scour retrofit, or roadway fill. Bridge scour retrofit activities would include stockpiling of native material to be backfilled below the ordinary high water mark, without impeding flows.

3. INFORMATION REVIEWED

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

- A. U.S. Army Corps of Engineers Public Notice / Application No. SPL-2014-625-KAT. Comment Period between: June 24, 2015 through July 23, 2015;
- B. CWA Section 401 Certification application package received by ADEQ on 06/29/15. Permittee: ADOT;
- C. Nationwide General Permit (NWP) for Arizona, 401 Certification General Conditions;
- D. State of Arizona Water Quality Standards for Surface Waters (WQS), Arizona Administrative Code (A.A.C.) Title 18, Chapter 11, Article 1;
- E. State of Arizona A.A.C. R18-11-112 list of Outstanding Arizona Waters (OAW);
- F. State of Arizona 303(d) List of Impaired Waters and non-attaining waters; and
- G. If any comments are received during this public notice period, those comments may also be used.

4. **CORRESPONDENCE**

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

Arizona Department of Environmental Quality
Nicole Coronado
Surface Water Section / 401 Certifications / mailstop 5415A-1
1110 West Washington Street
Phoenix, Arizona 85007

For questions or general comments:

Email: nm1@azdeq.gov

Voice: (602) 771-4245

In any correspondence, reference:

Regional General Permit 96 for ADOT Routine Transportation Activities
CoE File No.: SPL-2014-625-KAT

ADEQ LTF No.: 62686

Reading file: SWGP15-0139

5. **CONDITIONS FOR STATE 401 WATER QUALITY CERTIFICATION**

For the purposes of this Certification the following definitions apply:

- Waters of the U.S. as defined by the CoE and U.S. Environmental Protection Agency (EPA) under the Clean Water Act. This Certification applies only to activities within a Waters of the U.S.
- 303[d]-listed Impaired Waters are surface waters that are identified pursuant to Clean Water Act Section 303[d] as impaired (e.g., not meeting surface water quality standards) and as a result merit special consideration. The current 303[d] list of

Impaired Waters is available on the ADEQ website via:

https://www.azdeq.gov/envirom/water/assessment/download/impaired_waters.pdf

- Outstanding Arizona Waters (OAW) are surface waters classified as an outstanding state resource water by the ADEQ Director pursuant to the Arizona Administrative Code (A.A.C.) R18-11-112. These waters are of exceptional quality and therefore merit special consideration. The current list of OAWs is available on the Secretary of State website via: http://apps.azsos.gov/public_services/Title_18/18-11.pdf
- Other Waters: Surface waters not listed as impaired, non-attaining, or OAW, or are located greater than 1600 meters (\approx 1 mile) upstream, or greater than 800 meters (\approx ½ mile) downstream of an impaired water, non-attaining water, or OAW.
- Native material/fill is defined as pollutant-free soil, sand, gravel or similar material from the streambed or banks in the immediate area of the permitted work.
- Emergency vehicles and emergency responders are not restricted by the conditions in this Certification.

ADEQ Notification Provisions under this Certification

This Certification authorizes activities within the ordinary high watermark of any Waters of the U.S. Any activity which exceeds the notification thresholds specified in RGP 96, or this certification, for any covered activity shall require a 401 individual water quality certification. The notification provisions in this certification are intended to meet the notification provisions in the permit.

1. Non Notification

Projects that are conducted in Other Waters require no notification to ADEQ.

Projects located within 1600 meters (\approx 1 mile) upstream or 800 meters (\approx ½ mile) downstream of an impaired water or non-attaining water will not require notification if the project temporarily impacts water quality for a period of six months or less, does not add to the impairment (i.e. the project does not contain contaminants for which the waterbody is impaired), does not have an established TMDL, will not require significant stream channel modification, does not require maintaining stream channel or perennial flow, or meet the non-notifying project size limits as set forth in the permit.

Projects located within 1600 meters (\approx 1 mile) upstream or 800 meters (\approx ½ mile) downstream of an OAW will not require notification if the project temporarily impacts water quality for a period of six months or less, does not add to the impairment (i.e. the project does not contain contaminants for which the waterbody is impaired), does not require maintaining stream channel or perennial flow, or meet the non-notifying project size limits as set forth in the permit.

Non-notifying projects are typified by:

- Maintenance or repairs to previously authorized existing structures;

- Geotechnical activities as long as the impact is minimal, the site is restored to pre-project conditions and no other state or federal regulation would prohibit the activity;
- Removal of sediment, and storm debris from an existing structure;
- Re-establish design flow carrying capacities (sediment, debris, vegetation and obstruction removal in a watercourse) for projects disturbing less than 0.10 acres to Waters of the U.S. This could include hydro vacuuming as long as the impact is temporary;
- The replacement of small amounts of rock rip rap or similar fills (based on the limits set forth in the permit) to repair or arrest erosion damages;
- Streambed stabilization for minor projects in existing, constructed drainage channels less than 0.10 acre disturbance to Waters of the U.S.;
- The construction of new bank stabilization or repair of existing bank stabilization structures or fill for projects using permeable and impermeable bank stabilization methods. Non-notification size limits for permeable and impermeable bank stabilization methods as set forth in the permit;
- The construction, replacement or modification of transportation facilities or structures less than 0.10 acre permanent impact to Waters of the U.S. per drainage crossing.
- Emergency repair

2. Pre-Project Notification

Projects located within 1600 meters (\approx 1 mile) upstream or 800 meters (\approx 1/2 mile) downstream of an impaired water or non-attaining water will require notification if the project temporarily impacts water quality for a period of six months or more, temporarily adds to the impairment (i.e. the project contains contaminants for which the waterbody is impaired), has an established TMDL, requires maintaining stream channel or perennial flow, or meet the notifying project size limits as set forth in the permit.

Projects located within 1600 meters (\approx 1 mile) upstream or 800 meters (\approx 1/2 mile) downstream of an OAW will require notification if the project temporarily impacts water quality for a period of six months or more, temporarily adds to the impairment (i.e. the project contains contaminants for which the waterbody is impaired), requires maintaining stream channel or perennial flow, or meet the notifying project size limits as set forth in the permit.

Notifying projects are typified by:

- Re-establish design flow carrying capacities (sediment, debris, vegetation and obstruction removal in a watercourse) for projects disturbing more than 0.10 acres to Waters of the U.S. This could include hydro vacuuming as long as the impact is temporary.
- Streambed stabilization for minor projects in existing, constructed drainage channels more than 0.10 acre disturbance to Waters of the U.S.
- The construction of new bank stabilization or repair of existing bank stabilization structures or fill for projects using permeable and impermeable bank stabilization

- methods. Pre-project notification size limits for permeable and impermeable bank stabilization methods as set forth in the permit;
- The construction, replacement or modification of transportation facilities or structures more than 0.10 acre permanent impact to Waters of the U.S. per drainage crossing.
3. For any project requiring notification, ADOT must notify ADEQ in writing, fourteen (14) days prior to commencement of the project, and include the following information:
 - Name of project;
 - Project start and end date (proposed);
 - Description of project;
 - Location of project (including latitude and longitude);
 - Maps, drawings, or figures showing the location of the project, project scope, or any information detailing project activities; Acreage disturbed by construction or maintenance activity;
 - Waterbody affected and the pollutant(s) causing the impairment in an impaired water;
 - Measure(s) taken to control pollutants to Waters of the U.S.;
 - Analysis undertaken to ensure that transportation, construction, and maintenance activities will not add the pollutant(s) of concern to an impaired water or; will not cause any degradation in water quality in an OAW upon project completion.
 - Authorized signature
 4. Within one year of permit issuance, ADOT shall develop and maintain an internal tracking system that includes all completed construction and maintenance activities in waters of the U.S., or special aquatic sites, covered by this certification. Maintenance project documentation shall include activity description, the start and end dates of the work, and project coordinates. Construction project documentation shall include that listed above for maintenance plus site restoration/revegetation activities and date installed, if applicable, at least one pre-construction and one post-construction photo of the construction and revegetation area, and a brief discussion of any problems and corrective measures taken.
 5. The ADEQ project manager shall be notified of any accidental spills of hazardous materials that have the potential to impact waters of the U.S. within 12 hours of detection. Notification may be in the form of an electronic mail message, telephone, or facsimile. Notification shall include the reason for the spill, the exact location of the spill, the type and approximate quantity of the materials spilled, and the measures taken to control and clean the spilled materials.
 6. The ADEQ project manager shall be notified of any incidents involving sediment stockpile washouts within 12 hours of detection. Notification may be in the form of an electronic mail message, telephone, or facsimile. Notification shall include the type of project, the name of the waterbody, the exact location of the washout, the approximate

quantity of sediment, and the measures taken to control sediment (e.g. settled, filtered, or treated to prevent migration of pollutants) to ensure no exceedence of, or reduction from, natural background levels of sediment occurs in any Waters of the U.S.

7. All correspondence shall be submitted to the ADEQ emailing/ mailing address listed in Section 4.

General Conditions

1. Any surface water discharges occurring as a result of activities certified under RGP No. 96 shall not cause an exceedence of any applicable SWQS. Applicability of this condition is defined in A.A.C. R18-11-102, and the applicable SWQS can be found in A.A.C. R18-11 Article 1, Appendices A and B.
2. ADEQ's State 401 Water Quality Certification 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 Certification is not intended to waive any other federal, state, or local laws.
3. If monitoring by ADEQ or others indicates that as a result of the certified activities, one or more conditions of this Certification have been violated; ADEQ will notify the CoE and may request modification, suspension or revocation of RGP No. 96.
4. Issuance of a State 401 Water Quality Certification does not imply or suggest that requirements for other permits including, but not limited to Aquifer Protection Permits, Arizona Pollutant Discharge Elimination System (AZPDES) Permits, and Reclaimed Water permits are met or superseded. ADOT should contact ADEQ to ensure all applicable permits are obtained.
5. This Certification applies only to the activities described in Section 2 and is based upon the information listed in Section 3. This Certification is valid for the same period as the CWA 404 permit issued by the CoE. ADOT must apply for renewal, modification or extension of this Certification if the RGP No 96 is renewed, modified, extended or otherwise changed. This Certification may be reopened by ADEQ at any time due to a change (e.g., lowered or more stringent) in a surface water quality standard for a parameter likely to result from project activities. ADEQ may add or modify conditions in this Certification to ensure that ADOT's activities comply with the most recent standard.
6. ADOT shall provide a copy of this Certification to all appropriate contractors and subcontractors. ADOT shall also post and/or maintain a legible copy of this Certification in a weather-resistant location at the construction site or maintenance activity where it may be seen by the workers.
7. ADOT is responsible for all activities certified herein and any exceedences of SWQS that such activities may cause or contribute to in any Waters of the U.S.
8. This Certification does not authorize the discharge of mining, construction, or demolition wastes, wastewater, process residues or other potential pollutants to any Waters of the U.S. except as specified in the CWA 404 permit.

Specific Conditions

Erosion Prevention and Hydraulic Alterations

9. Clearing, grubbing, scraping or otherwise exposing erodible surfaces shall be minimized to the extent necessary for each construction phase or location.
10. 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: gullying, head cutting, caving, block slippage, material sloughing, etc. Material shall not discharge (e.g., via leaching, runoff) pollutants into streams or wetlands.
11. 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.
12. The effectiveness of all pollution control measures, including those preventing erosion and affecting sedimentation, shall be reevaluated after each flow event and repaired/modified as needed.
13. Direct runoff of water used for dust control shall be limited to the extent practicable and shall not cause downstream erosion or flooding nor cause an exceedence of applicable water quality standards.
14. Except where the activities certified herein are intended to permanently alter any Waters of the U.S., all disturbed areas shall be restored and (re)vegetated as indicated in the permit approved by the CoE (including offsite/in lieu mitigation). Denuded areas shall be revegetated as soon as practicable. Vegetation shall be maintained on unarmored banks and slopes to stabilize soil and prevent erosion. Fill used to support vegetation rooting or growth shall be protected from erosion.
15. If retention/detention basins are included or added to the project outside the OHWM, ADOT will complete the grading necessary to direct runoff towards retention/detention basins immediately following initial land clearing or rough grading.
16. Activities herein certified shall, as much as practicable, be performed during periods of low flow (baseflow or less) in any perennial Water of the U.S., or no flow in any ephemeral or intermittent Water of the U.S. No work shall be done, nor shall any equipment or vehicles enter any Water of the U.S. while flow is present, unless all conditions in this Certification are met.
17. Any disturbance in the stream bank or streambed areas shall be stabilized to prevent erosion and sedimentation of the waterbody during and after operations. Any disturbed areas shall be contoured and vegetated as soon as practicable.
18. ADOT will take measures necessary to prevent temporary or permanent approaches to any Water of the U.S. from causing erosion or contributing sediment to any Water of the U.S.

19. ADOT shall ensure no adverse change with respect to stream hydraulics, erosion and sediment load, of any Water of the U.S. upstream and downstream from the project. If such change has occurred, ADOT shall take steps to restore the pre-project stability of any impacted segments.

Sediment Loads

20. When flow in any Waters of the U.S. 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; e.g., equipment and materials easily transported by flow are protected with non-erodible barriers or moved outside the flow area.
21. Silt laden or turbid water resulting from activities certified herein shall be settled, filtered or otherwise treated to ensure no exceedence of, or reduction from, natural background levels of sediment occurs in any Waters of the U.S.
22. Any washing or dewatering of fill material must occur outside of any Waters of the U.S. prior to placement. Prior to discharge, any rinseate from such washing shall be settled, filtered or otherwise treated to prevent migration of pollutants (including sediment) from causing erosion to any Waters of the U.S. 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.

Pollution Prevention

23. When working in an impaired water, ADOT must not use any material that will add to the impairment (e.g., galvanized steel when the waterbody is impaired for zinc). ADOT must also take precautions to prevent any activities from adding to the impairment (e.g.; ensuring portable facilities are properly staged when the waterbody is impaired for *e coli*).
24. If activities certified herein are likely to cause or contribute to an exceedence of water quality standards, operations shall cease until the problem is resolved or until control measures have been undertaken.
25. Construction material and/or fill (other than native fill or that necessary to support re-vegetation) placed in any Waters of the U.S., shall not include materials that can cause or contribute to pollution of the Waters of the U.S. Examples of prohibited fill include pollutant-contaminated soil and materials defined as pollutants or hazardous in Arizona Revised Statutes (A.R.S.) § 49-201.
26. Acceptable construction materials that will or may contact water in any Waters of the U.S. are: untreated logs and lumber; natural stone, 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. ADOT must ensure any concrete used for projects under this RGP do not contain any latex polymers or other chemicals that could degrade the water quality in a waters of the U.S. Use of other materials may be allowed, but require prior written approval from ADEQ.

27. ADOT 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 Waters of the U.S. when it is not part of the project or activity.
28. Area(s) must be designated entirely outside of any Waters of the U.S. for equipment staging and storage. In addition, ADOT must designate areas located entirely outside of any Waters of the U.S. 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 Waters of the U.S.

Any equipment maintenance, washing, and/or fueling that cannot be done offsite will be performed in designated areas. 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 any Waters of the U.S.

A spill response kit will be maintained in these areas to mitigate any spills. The kit will include material specifically manufactured and sold as spill adsorbent/absorbent and spill containment. ADOT will ensure that whenever there is activity on the site, there are personnel on site trained in the proper response to spills and the use of spill response equipment.

29. A spill containment plan shall be maintained onsite to ensure pollutants are prevented from entering any Waters of the U.S. Any pollutant generated by activities certified herein shall be properly disposed in accordance with applicable regulations.
30. Upon completion of the activities certified herein, areas within any Waters of the U.S. shall be promptly cleared of all forms, piling, construction residues, equipment, debris and/or other obstructions.
31. If fully, partially, or occasionally submerged structures are constructed of cast-in-place concrete instead of pre-cast concrete, ADOT will take steps; e.g., 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, cease to be available and/or are no longer a pollutant threat.
32. Washout of concrete handling equipment must not take place within any Waters of the U.S. and any washout runoff shall be prevented from entering any Waters of the U.S.

Temporary and Permanent Structures

33. Permanent and temporary pipes and culvert crossings shall be adequately sized to handle expected flow and properly set with end sections, splash pads, headwalls or other structures that dissipate water energy to control erosion.
34. Debris will be cleared only as needed from culverts, ditches, dips and other drainage structures in any Waters of the U.S. or within ADOT ROWs to prevent clogging or conditions that may lead to washout. ADOT shall not remove native vegetation unless it obstructs flows, is a safety concern, or as part of an invasive species removal.

35. 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 to accommodate overtopping and resist washout by streamflow.
36. Any temporary crossing, other than fords on native material, shall be constructed in such a manner 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 resist washout.
37. No vehicles or equipment shall ford any unarmored Waters of the U.S. crossing when flow is present.
38. Any temporary 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.
39. No temporary or permanent unarmored ford shall be subject to heavy-truck or equipment traffic after a flow event in an intermittent or ephemeral waterbody 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.
40. Temporary structures constructed of imported materials are to be removed no later than upon completion of the permitted activity.
41. To the extent practicable, drill spoils and excavated material (soil, rock, etc.) shall be stockpiled outside of the ordinary high water mark. When stockpiling native materials within the ordinary high water mark, control measures and / or best management practices must be implemented to prevent materials from being mobilized and transported by flow.