



STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY

PO Box 47775 • Olympia, Washington 98504-7775 • (360) 407-6300

February 11, 2016

Trans Alta Centralia Mining, LLC
Attn: Mr. Tim LeDuc
913 Big Hanaford Road
Centralia, WA 98531

Re: First Amendment to 401 Water Quality Certification Order #2617 for U.S. Army Corps of Engineers Reference #NWS-2004-909, for development of the Kopiah Excess Spoil Area (KESA), Pond 47, and two wetland and stream mitigation sites at the Trans Alta Centralia Mining LLC Centralia Mine near Centralia, in Lewis and Thurston Counties, Washington

Dear Mr. LeDuc:

Enclosed is the First Amendment to Water Quality Certification Order #2617, issued on August 29, 2005, for the above project.

The purpose of this amendment is to acknowledge the cancellation of the Pond 47 project, remove conditions that are no longer relevant due to project changes, and update wetland impact and wetland mitigation information.

By this enclosed Order, Ecology amends the original 401 Certification to incorporate the revised wetland impact information and the recently revised Wetland Mitigation Plan,

If you have any questions, please contact Patricia Johnson at (360) 407-6140. The enclosed Amendment may be appealed by following the procedures described in the Amendment.

Sincerely,

Paula Ehlers, Section Manager
Shorelands and Environmental Assistance Program
Department of Ecology – Southwest Regional Office
State of Washington

By certified mail: 7014 0150 0000 9188 9702

cc: Gail Terzi, U.S. Army Corps of Engineers
Scott Brummer, WDFW
Glen Waugh, Department of the Interior
Karen Witherspoon, Lewis County



e-cc: Alex Callender, Ecology SWRO
Lori Kingsbury, Ecology SWRO
Perry Lund, Ecology SWRO
Loree' Randall, HQ
ecyrefedpermits@ecy.wa.gov

IN THE MATTER OF GRANTING) ORDER #2617, First Amendment
A WATER QUALITY) Corps Reference No. 2004-909
CERTIFICATION TO)
Trans Alta Centralia Mining, LLC)
In accordance with 33U.S.C. 1341)
(FWPCA §401), RCW 90.48.120, RCW)
90.48.260 and Chapter 173-201A WAC)

TO: Trans Alta Centralia Mining, LLC
Attn: Mr. Tim LeDuc
913 Big Hanaford Road
Centralia, WA 98531

On August 29, 2005, the Washington Department of Ecology (Ecology) issued a 401 Water Quality Certification to Trans Alta Centralia Mining, LLC for the above-referenced project pursuant to the provisions of 33 U.S.C. 1341 (FWPCA § 401).

On September 12, 2011, the applicant cancelled the Pond 47 project and its associated impacts to wetlands and other waterbodies. This Amendment documents the reduction in impacts to wetlands and other waterbodies and authorizes the reduction in wetland mitigation acreage.

Administrative Order No. 2617 dated August 29, 2005, is hereby amended as follows:

I. The project purpose on page 1 that reads:

As stated in the Kopiah Project Wetland Mitigation Plan dated May 2005, the proposed project involves the placement of fill and mechanical land clearing and/or excavation of a total of 21.71 acres of emergent, scrub-shrub, and forested wetlands (including acreage of waterbodies), and 38,135 linear feet of intermittent waterbodies and narrow unvegetated drainages. The proposed work is broken down as follows:

The Kopiah Excess Spoils Area (KESA) Project: Fill material generated by coal mining activities in the Kopiah project will be placed in this storage area. Total impact area includes 11.61 acres of palustrine emergent, scrub-shrub, and forested wetlands and 21,037 linear feet of intermittent waterbodies and narrow unvegetated drainages, which includes 3,421 linear feet of Packwood Creek.

Pond 47 and Mining Project: The ponds will be periodically dredged to remove accumulated sediment. Mining activities will include land-clearing and excavation of topsoil, then mining the coal in 10.11 acres of palustrine emergent and scrub-shrub wetlands and 17,097 linear feet of intermittent water bodies of South Fork Hanaford Creek and narrow unvegetated drainages.

Mitigation for this project will occur on property owned by Trans Alta Centralia Mining LLC. The mitigation site will extend 7,700 linear feet down the realigned Big Hanaford

Creek from immediately downstream of the Centralia Steam Electric Generating Plant connecting to the existing Oregon ash woodland. Forested, scrub-shrub, and emergent wetlands will be planted adjacent to Big Hanaford Creek. This will result in rehabilitation of a total of 110 acres of wetland and stream with off-channel alcoves and will re-establish floodplain wetlands by reconnecting the channel's hydrology to the floodplain.

Is replaced with:

As stated in the Final Kopiah Project Habitat Mitigation and Monitoring Plan - Revised dated June 2009, Revised September 2015, the proposed project involves the placement of fill and mechanical land clearing and/or excavation of a total of 11.61 acres of emergent, scrub-shrub, and forested wetlands (including acreage of waterbodies), and 21,037 linear feet of intermittent waterbodies and narrow unvegetated drainages, which includes 3,421 linear feet of Packwood Creek.

Mitigation for this project will occur on property owned by Trans Alta Centralia Mining LLC. The mitigation site will extend 7,700 linear feet down the realigned Big Hanaford Creek from immediately downstream of the Centralia Steam Electric Generating Plant connecting to the existing Oregon ash woodland. Forested, scrub-shrub, and emergent wetlands will be planted adjacent to Big Hanaford Creek. This will result in rehabilitation and preservation of a total of 78.04 acres of wetland and stream with off-channel alcoves and will re-establish floodplain wetlands by reconnecting the channel's hydrology to the floodplain.

II. **Condition A1., which reads:**

The Packwood Creek and tributaries to South Hanaford Creek are Class A waters of the state. Certification of this proposal does not authorize the Applicant to exceed applicable state water quality standards (173-201A WAC), ground water quality standards (173-200 WAC) or sediment quality standards (Chapter 173-204 WAC). Water quality criteria contained in WAC 173-201A-030(1) and WAC 173-201A-040 shall apply to this project, unless otherwise authorized by Ecology. This Order does not authorize temporary exceedances of water quality standards beyond the limits established in WAC 173-201A-110(3). Furthermore, nothing in this Order shall absolve the Applicant from liability for contamination and any subsequent cleanup of surface waters, ground waters or sediments occurring as a result of project construction or operations.

Is replaced with:

Packwood Creek is a Class A water of the state. Certification of this proposal does not authorize the Applicant to exceed applicable state water quality standards (173-201A WAC), ground water quality standards (173-200 WAC) or sediment quality standards (Chapter 173-204 WAC). Water quality criteria contained in WAC 173-201A-030(1) and WAC 173-201A-040 shall apply to this project, unless otherwise authorized by Ecology. This Order does not authorize temporary exceedances of water quality standards beyond the limits established in WAC 173-201A-110(3). Furthermore, nothing

in this Order shall absolve the Applicant from liability for contamination and any subsequent cleanup of surface waters, ground waters or sediments occurring as a result of project construction or operations.

III. The following conditions are deleted:

- D. Construction Activity Conditions 1 through 12; and**
- E. Monitoring Requirements and Discharge Limitations at Pond 47 Outfall Location Conditions 1 through 3; and**
- F. Long Term Facility Operations and Maintenance Requirements conditions 1 through 4.**

IV. Condition G1., which reads:

Impacts to aquatic resources shall be mitigated as described in the Kopiah Project Wetland Mitigation Plan for Trans Alta Centralia Mining, LLC Kopiah Project, dated May 2005 (Wetland Mitigation Plan), and as revised in the Applicant's August 2, 2005 letter to the Corps, its August 5, 2005 submittal to the Corps, and as further described in the final mitigation plan.

Is replaced with:

Impacts to aquatic resources shall be mitigated as described in the Final Kopiah Project Habitat Mitigation and Monitoring Plan – Revised, dated June 2009, Revised September 2015 (Wetland Mitigation Plan).

V. Condition G2., which reads:

The Applicant shall submit a Final Wetland Mitigation Plan to Ecology for review and approval 30 days prior to starting of construction at the mitigation sites.
Deed Restriction: Permanent protection of the wetland mitigation and preservation areas and buffers shall be recorded on the property deed for the Wetland Mitigation Sites. The deed shall clearly indicate that the wetland mitigation areas are "waters of the state". Documentation that this requirement has been fulfilled shall be provided to Mark Cline, Department of Ecology, SWRO, PO Box 47775, Olympia, WA 98504-7775, as part of the "as-built" report.

Is replaced with:

Deed Restriction: Permanent protection of the wetland mitigation and preservation areas and buffers shall be recorded on the property deed for the Wetland Mitigation Sites. The deed shall clearly indicate that the wetland mitigation areas are "waters of the state". Documentation that this requirement has been fulfilled shall be provided to Patricia

Johnson, Department of Ecology, SEA Program, PO Box 47600, Olympia, WA 98504-7600, as part of the "as-built" report.

VI. Condition G11., which reads:

Mitigation monitoring reports shall be submitted as described in the Kopiah Project Wetland Mitigation Plan for Trans Alta Centralia Mining, LLC Kopiah Project dated May 2005 (Wetland Mitigation Plan) and as revised in the Applicant's August 2, 2005 letter to the Corps, its August 5, 2005 submittal to the Corps, and as further described in the Final Wetland Mitigation Plan.

Is replaced with:

Mitigation monitoring reports shall be submitted as described in the Final Kopiah Project Habitat Mitigation and Monitoring Plan – Revised, dated June 2009, Revised September 2015 (Wetland Mitigation Plan).

VII. Condition G15., which reads:

Monitoring of the wetland mitigation sites will occur for a minimum of ten (10) years, with monitoring performed in years one (1), two (2), three (3), four (4), five (5), seven (7), eight (8), and ten (10). Monitoring reports shall be submitted to Ecology's Mark Cline, Department of Ecology, SWRO, PO Box 47775, Olympia, WA 98504-7775, at the end of each monitoring year. Contingency measures and additional monitoring of the mitigation may be required by Ecology if wetland monitoring reveals that performance measures are not being met.

Is replaced with:

Monitoring of the wetland mitigation sites will occur for a minimum of ten (10) years, with monitoring performed in years one (1), two (2), three (3), four (4), five (5), seven (7), eight (8), and ten (10). Monitoring reports shall be submitted to Ecology's Federal Permit Manager, Department of Ecology, SWRO, PO Box 47775, Olympia, WA 98504-7775, at the end of each monitoring year. Contingency measures and additional monitoring of the mitigation may be required by Ecology if wetland monitoring reveals that performance standards are not being met.

No other conditions or requirements of the above-mentioned order are affected by this amendment.

The Ecology retains continuing jurisdiction to make modifications hereto through supplemental order, if it appears necessary to further protect the public interest.

Failure to comply with this amended Order may result in the issuance of civil penalties or other actions whether administrative or judicial, to enforce the terms of this amended Order.

YOUR RIGHT TO APPEAL

You have a right to appeal this Order to the Pollution Control Hearing Board (PCHB) within 30 days of the date of receipt of this Order. The appeal process is governed by Chapter 43.21B RCW and Chapter 371-08 WAC. "Date of receipt" is defined in RCW 43.21B.001(2).

To appeal you must do all of the following within 30 days of the date of receipt of this Order:

- File your appeal and a copy of this Order with the PCHB (see addresses below). Filing means actual receipt by the PCHB during regular business hours.
- Serve a copy of your appeal and this Order on Ecology in paper form - by mail or in person. (See addresses below.) E-mail is not accepted.

You must also comply with other applicable requirements in Chapter 43.21B RCW and Chapter 371-08 WAC.

ADDRESS AND LOCATION INFORMATION

| Street Addresses | Mailing Addresses |
|--|---|
| Department of Ecology Attn: Appeals Processing Desk 300 Desmond Drive SE Lacey, WA 98503 | Department of Ecology Attn: Appeals Processing Desk PO Box 47608 Olympia, WA 98504-7608 |
| Pollution Control Hearings Board 1111 Israel RD SW STE 301 Tumwater, WA 98501 | Pollution Control Hearings Board PO Box 40903 Olympia, WA 98504-0903 |



Paula Ehlers, Section Manager
Shorelands and Environmental Assistance Program
Department of Ecology – Southwest Regional Office
State of Washington

Feb 11, 2016

Date

