



STATE OF WASHINGTON  
DEPARTMENT OF ECOLOGY

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January 25, 2010

Ms. Jessi Belton  
Port of Vancouver  
P.O. Box 1180  
Vancouver WA 98666

**RE: Water Quality Certification - Order #5984 Second Amendment  
Corps Public Notice NWP- 2007916P**

Dear Ms. Belton:

On December 4<sup>th</sup>, 2009 the Washington State Department of Ecology (Ecology) was notified that the Port of Vancouver (Port) needed to change the dredge maintenance depths at Berths 7, 8, and 9 and that the Port needed to use Terminal 5 as a dredge disposal site. The purpose of this change is that the Port is in a greater need of maintenance dredging at berths 7, 8, and 9 to continue to provide safe vessel access prior to implementation of the deepening project

The attached amendment may be appealed by following the procedures described in this amendment. If you have any questions regarding the content of the amendment, please contact me at (360) 407-6976.

Sincerely,

Brenden McFarland, Section Supervisor  
Environmental Review and Transportation Section Manager  
Shorelands and Environmental Assistance Program

Enclosure

By certified mail 7009 1410 0002 4001 1224

cc: Tom Taylor, Corps Portland District  
Dominic Yballe, Corps Portland District  
Todd Thornburg, Anchor Environmental



Ms. Jesse Belton  
Page 2 of 2  
January 25, 2010

ecc: Jessica Moore, Ecology  
Laura Inouye, Ecology  
Loree' Randall, Ecology  
[ecyrefedpermits@ecy.wa.gov](mailto:ecyrefedpermits@ecy.wa.gov)

**IN THE MATTER OF GRANTING A ) ORDER # 5984 Second Amendment**  
**WATER QUALITY ) Corps Reference No. NWP 2007916P**  
**CERTIFICATION TO ) Phase 1 maintenance dredging of up to 200,000**  
**Port of Vancouver ) cubic yards (cy) of material to deepen berthing**  
in accordance with 33 U.S.C. 1341 ) areas in the Columbia River, Clark County,  
(FWPCA § 401), RCW 90.48.120, RCW ) Washington.  
90.48.260 and Chapter 173-201A WAC )

TO: Ms. Jessi Belton  
Port of Vancouver  
P.O. Box 1180  
Vancouver WA 98666

On December 4<sup>th</sup>, 2009 the Washington State Department of Ecology (Ecology) was notified that the Port of Vancouver (Port) needed to change the dredge maintenance depths at Berths 7, 8, and 9 and that the Port needed to use Terminal 5 as a dredge disposal site. The purpose of this change is that the Port is in a greater need of maintenance dredging at berths 7, 8, and 9 to continue to provide safe vessel access prior to implementation of the deepening project.

Order No. 5984 dated October 1, 2008, and Second Amendment dated November 5, 2008 are hereby amended as follows:

**1. Condition D4 which was amended on November 5, 2008 to read:**

4. Berth 7 shall be dredged to -42 to 43 feet with a 2 foot overdredge allowance. Berths 8 and 9 shall be dredged to -45 to -46.5 feet with a 2 foot overdredge allowance. Z-layer testing has shown that sediments in these berths meet the sediment evaluation framework (SEF) guidance at these depths.

**Is now revised to read:**

4. As part of pre-deepening maintenance, Berth 7 shall be dredged to -42 feet CRD with a 1 foot overdredge allowance as a one-time event. Berths 8 and 9 shall be dredged to -40 CRD with a 1.5 foot overdredge allowance as a one-time event.
  - a. Post-dredging bathymetric surveying is required in Berths 8 and 9.
  - b. If the survey indicates that dredging reaches or exceeds -42 feet CRD then the Port must either:
    - i. Characterize the sediment for tributyltin (TBT) using grab samples from the top 4 inches within the affected area(s) or
    - ii. Immediately place a 6 inch sand cover in those areas.

- iii. Ecology shall be notified of the Port's decision and sample results if applicable.
  
- c. For the deepening part of the project, Berth 7 shall be dredged to -42 to -43 feet with a 2 foot overdredge allowance. Berths 8 and 9 shall be dredged to -45 to -46.5 feet with a 2 foot overdredge allowance. Z-layer testing has shown that sediments in these berths meet the sediment evaluation framework (SEF) guidance at these depths.

**Appeal Process:**

You have a right to appeal this Order. To appeal this you must:

- File your appeal with the Pollution Control Hearings Board within 30 days of the "date of receipt" of this document. Filing means actual receipt by the Board during regular office hours.
- Serve your appeal on the Department of Ecology within 30 days of the "date of receipt" of this document. Service may be accomplished by any of the procedures identified in WAC 371-08-305(10). "Date of receipt" is defined at RCW 43.21B.001(2).

Be sure to do the following:

- Include a copy of this document that you are appealing with your Notice of Appeal.
- Serve and file your appeal in paper form; electronic copies are not accepted.

**1. To file your appeal with the Pollution Control Hearings Board**

Mail appeal to:

The Pollution Control Hearings Board  
PO Box 40903  
Olympia, WA 98504-0903

Deliver your appeal in person to:

The Pollution Control Hearings Board  
4224 – 6th Ave SE Rowe Six, Bldg 2  
Lacey, WA 98503

OR

**2. To serve your appeal on the Department of Ecology**

Order #5984 2<sup>nd</sup> Amendment  
Corps # NWS-2007-916P  
Port of Vancouver Berth Deepening  
Page 3 of 3  
January 25, 2010

Mail appeal to:

The Department of Ecology  
Appeals Coordinator  
P.O. Box 47608  
Olympia, WA 98504-7608

Deliver your appeal in person to:

OR The Department of Ecology  
Appeals Coordinator  
300 Desmond Dr SE  
Lacey, WA 98503

**3. And send a copy of your appeal to:**

Department of Ecology  
Federal Permit Coordinator  
Attn: Helen Pressley  
P.O. Box 47600  
Olympia, WA 98504-7600

For additional information visit the Environmental Hearings Office Website:

<http://www.eho.wa.gov>

To find laws and agency rules visit the Washington State Legislature Website:

<http://www1.leg.wa.gov/CodeReviser>

Your appeal alone will not stay the effectiveness of this Order. Stay requests must be submitted in accordance with RCW 43.21B.320. These procedures are consistent with Ch. 43.21B RCW.

Dated January 25, 2010 at Lacey, Washington.



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Brenden McFarland, Section Manager  
Shorelands & Environmental Assistance Program  
Headquarters Office - Ecology  
State of Washington

