



STATE OF WASHINGTON  
DEPARTMENT OF ECOLOGY

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May 16, 2014

City of Longview Engineering Department  
Attn: Mr. Jeff Cameron PE  
PO Box 128  
Longview WA 98632

RE: Amendment to 401 Water Quality Certification Order #9991 for U.S. Army Corps of Engineers Reference #NWS-2012-1373, Lake Sacajawea Flushing Dredge, Lake Sacajawea, Longview, Cowlitz County, Washington

Dear Mr. Cameron:

Enclosed is an amendment to Water Quality Certification Order #9991, for the above project.

The purpose of this amendment is to clarify the language contained in the Water Quality Certification Order that was issued February 24, 2014. In order to reflect the amendments that have been made to Order #9991, we are also providing a strikeout version of the Water Quality Certification Order for your information.

All other conditions of Water Quality Certification #9991 remain in effect.

If you have any questions, please contact Helen Pressley at 360-407-6076. The enclosed Amendment may be appealed by following the procedures described in the Amendment.

Sincerely,

Brenden McFarland, Section Manager  
Shorelands and Environmental Assistance Program  
Headquarters Office – Ecology  
State of Washington

by certified mail 7010 2780 0000 2503 3976



cc: Steve Manlow, U.S. Army Corps of Engineers (VFO)  
George Fornes, WDFW (VFO)  
Steve West WDFW (VFO)  
Lynn Simpson, Ecological Land Services

e-cc: Helen Pressley – HQ  
Loree' Randall – HQ  
[ecyrefedpermits@ecy.wa.gov](mailto:ecyrefedpermits@ecy.wa.gov)  
Rebecca Schroeder, SWRO  
Laura Inouye, HQ  
[DMMP@dnr.wa.gov](mailto:DMMP@dnr.wa.gov)

**IN THE MATTER OF GRANTING  
A WATER QUALITY  
CERTIFICATION TO  
*City of Longview***

In accordance with 33U.S.C. 1341  
(FWPCA §401), RCW 90.48.120, RCW  
90.48.260 and Chapter 173-201A WAC

) **ORDER #9991, First Amendment**  
) **Corps Reference No. 2012-1373**  
) Modification of an existing water intake in  
) order to pump 6,000 gallons per minute of fresh  
) water into Lake Sacajawea and dredging 5,000 cubic  
) yards of sediment yearly from the area in front of the  
) intake structure in the Cowlitz River, Longview,  
) Cowlitz County, Washington

TO: City of Longview Engineering Department  
Attn: Mr. Jeff Cameron PE  
PO Box 128  
Longview WA 98632

On February 24, 2014 the Washington Department of Ecology (Ecology) issued a 401 Water Quality Certification to the City of Longview for the above-referenced project pursuant to the provisions of 33 U.S.C. 1341 (FWPCA § 401).

Ecology received a request March 25, 2014 to clarify language in the water quality certification.

Administrative Order No. 9991 dated February 24, 2014 is hereby proposed for amendment as follows:

**I. Condition number B.1 now reads:**

1. This order does not authorize temporary exceedances of water quality standards beyond the limits established in WAC 173-201A-200(1)(e)(i)(C).
  - The area of mixing established for freshwater is 300 feet downstream from the in-water activity turbidity occurring outside the point of compliance that is more than 5 nephelometric turbidity units (NTU) over background when the background is 50 NTU or less, or a 10% increase in turbidity when the background turbidity is more than 50 NTU is a violation of the turbidity water quality standard.

Is Replaced with:

1. This order does not authorize temporary exceedances of water quality standards beyond the limits established in WAC 173-201A-200(1)(e)(i)(C).
  - The area of mixing established for freshwater is 300 feet downstream from the in-water activity. Turbidity occurring outside the point of compliance that is more than 5 nephelometric turbidity units (NTU) over background when the background is 50 NTU or less, or a 10% increase in turbidity when the

background turbidity is more than 50 NTU, is a violation of the turbidity water quality standard.

**II. Condition number C.1 now reads:**

1. The Applicant shall submit a water quality monitoring plan to Ecology per Condition A.2 at least 14 days prior to dredging. This plan shall be approved by Ecology prior to any in-water work. The plan shall include at a minimum the following information:

Is Replaced with:

1. The Applicant shall submit a water quality monitoring plan to Ecology per Condition A.2 at least 14 days prior to the first dredging season. This plan shall be approved by Ecology prior to any in-water work. The plan shall include at a minimum the following information:

**III. Condition number C.2 now reads:**

2. Turbidity monitoring reports shall be sent weekly to the 401/CZM Federal permit coordinator. The permit coordinator shall be contacted within 24 hours if an exceedance occurs.

Is Replaced with:

2. Turbidity monitoring reports shall be sent to the 401/CZM Federal permit coordinator at the end of each dredging season. The permit coordinator shall be contacted within 24 hours if an exceedance occurs.

**IV. Condition number D.3 now reads:**

3. For material being taken to in-water disposal sites, all debris (larger than 2 feet in any dimension) shall be removed from the dredged sediment prior to disposal. Similar sized debris found floating in the dredging or disposal area shall also be removed.

This condition is DELETED.

**V. Condition D.6 now reads:**

6. During dredging, the Applicant shall have a boat available on site at all times to retrieve debris from the water. A pre-dredge meeting is required to be convened prior to the start of dredging. A **Dredging Plan** is required and shall be submitted to

Ecology to the 401/CZM Federal permit coordinator at the address shown in Condition A2 for review and approval 14 days prior to the pre-dredge meeting.

Is Replaced with:

6. A pre-dredge meeting is required to be convened prior to the start of dredging the first dredging season. A **Dredging Plan** is required and shall be submitted to Ecology to the 401/CZM Federal permit coordinator at the address shown in Condition A2 for review and approval 14 days prior to the pre-dredge meeting.

**VI. Condition D.7 now reads:**

7. Prior to each dredging cycle, the Applicant shall contact the DMMP agencies to determine whether additional sediment testing is required. If additional testing is required, no dredging or disposal shall be conducted until the material has been tested and a suitability determination has been issued. This area ranks low in potential for contamination and the recency determination may have expired. Contact the DMMO for a possible extension.

Is Replaced with:

7. Prior to each dredging season, the Applicant shall contact the DMMP agencies to determine whether additional sediment testing is required. If additional testing is required, no dredging or disposal shall be conducted until the material has been tested and a suitability determination has been issued. This area ranks low in potential for contamination and the recency determination may have expired. Contact the DMMO for a possible extension.

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

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

#### SIGNATURE

Dated this 16<sup>th</sup> day of May 2014 at the Department of Ecology, Lacey WA



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Brenden McFarland, Section Manager  
Shorelands and Environmental Assistance Program  
Headquarters Office – Ecology  
State of Washington

May 16, 2014 – This document shows the conditions that have been amended since the original Order was issued. Therefore it is not the official certification and should only be used for informational purposes.

**First Amendment changes are reflected in Red**

<b>IN THE MATTER OF GRANTING A</b>	)	<b>ORDER #9991</b>
<b>WATER QUALITY</b>	)	<b>Corps Reference No. NWS-2012-1373</b>
<b>CERTIFICATION TO</b>	)	Modification of an existing water intake in order
<b>City of Longview</b>	)	to pump up to 6,000 gallons per minute of fresh
in accordance with 33 U.S.C. 1341	)	water into Lake Sacajawea and dredging 5,000
(FWPCA § 401), RCW 90.48.120, RCW	)	cubic yards of sediment yearly from the area in
90.48.260 and Chapter 173-201A WAC	)	front of the intake structure in the Cowlitz River,
	)	Longview, Cowlitz County, Washington

TO: City of Longview Engineering Department  
Attn: Mr. Jeff Cameron PE  
PO Box 128  
Longview WA 98632

The City of Longview Engineering Department submitted a Joint Aquatic Resources Permit Application (JARPA) to the Department of Ecology (Ecology) requesting a Section 401 Water Quality Certification. A joint public notice regarding the request was distributed by the Army Corps of Engineers (Corps) for the above-referenced project pursuant to the provisions of Chapter 173-225 WAC on March 27, 2013.

The proposed work would modify an existing water intake structure located in the Cowlitz River for use as a pump station to supply up to 6,000 gallons per minute of water to Lake Sacajawea. Work will include abandoning the existing low-head pump house, installing vertical-mounted fish screens on the intake structure, demolition and construction of buildings, suction dredging up to 5,000 cubic yards of sediment annually in front of the intake structure, installing a temporary cofferdam around the dredge area, and disposing of the dredged material in the river approximately 100 feet downstream of the intake structure.

The purpose of this project is to provide a water source for improving water quality in Lake Sacajawea, Longview, Cowlitz County, Washington.

#### **AUTHORITIES:**

In exercising authority under 33 U.S.C. § 1341, RCW 90.48.120, and RCW 90.48.260, Ecology has examined this application pursuant to the following:

1. Conformance with applicable water quality-based, technology-based, and toxic or pretreatment effluent limitations as provided under 33 U.S.C. §1311, 1312, 1313, 1316, and 1317 (FWPCA § 301, 302, 303, 306 and 307);

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2. Conformance with the state water quality standards contained in Chapter 173-201A WAC and authorized by 33 U.S.C. §1313 and by Chapter 90.48 RCW, and with other applicable state laws; and
3. Conformance with the provision of using all known, available and reasonable methods to prevent and control pollution of state waters as required by RCW 90.48.010.

### **WATER QUALITY CERTIFICATION CONDITIONS:**

Through issuance of this Order, Ecology certifies that it has reasonable assurance that the activity as proposed and conditioned will be conducted in a manner that will meet the applicable water quality standards and other appropriate requirements of state law. In view of the foregoing and in accordance with 33 U.S.C. § 1341, RCW 90.48.120, RCW 90.48.260, Chapter 173-200 WAC and Chapter 173-201A WAC, water quality certification is granted to the Applicant subject to the conditions within this Order.

Certification of this proposal does not authorize the Applicant to exceed applicable state water quality standards (Chapter 173-201A WAC), ground water standards (Chapter 173-200 WAC) or sediment quality standards (Chapter 173-204 WAC). Furthermore, nothing in this certification 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.

#### **A. General Conditions:**

1. For purposes of this Order, the term “Applicant” shall mean the City of Longview and its agents, assignees and contractors.
2. For purposes of this Order, all submittals required by its conditions shall be sent to Ecology’s Headquarters Office, Attn: 401/CZM Federal permit coordinator, P.O. Box 47600 Olympia, WA 98504-7600 and/or hpre461@ecy.wa.gov. Any submittals shall reference Order #9991 and Corps Reference # NWS-2012-1373.
3. Work authorized by this Order is limited to the work described in the Joint Aquatic Resources Permit Application (JARPA) received by Ecology on December 18, 2012,. The Applicant will be out of compliance with this Order and must submit an updated JARPA if the information contained in the JARPA is voided by subsequent changes to the project not authorized by this Order.

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4. Within 30 days of receipt of the updated information, Ecology will determine if the revised project requires a new public notice and certification or if a modification to this Order is required.
5. This Order shall be rescinded if the U.S. Army Corps of Engineers does not issue a Section 404 and/or Section 10 permit for the project.
6. Copies of this Order shall be kept on the job site and readily available for reference by Ecology personnel, the construction superintendent, construction managers and lead workers, and state and local government inspectors.
7. The Applicant shall send (per A.2.) a copy of the final Section 404 Corps permit to Ecology's Federal Project Manager within two weeks of receiving it from the Corps.
8. The Applicant shall provide access to the project site upon request by Ecology personnel for site inspections, monitoring, necessary data collection, and/or to ensure that conditions of this Order are being met.
9. Nothing in this Order waives Ecology's authority to issue additional orders if Ecology determines that further actions are necessary to implement the water quality laws of the state. Furthermore, Ecology retains continuing jurisdiction to make modifications hereto through supplemental order, if additional impacts due to project construction or operation are identified or if additional conditions are necessary to further protect water quality.
10. The Applicant shall ensure that all appropriate project engineers and contractors at the project site have read and understand relevant conditions of this Order and all permits, approvals, and documents referenced in this Order. The Applicant shall provide Ecology a signed statement (see Attachment A for an example) from each project engineer and contractor that they have read and understand the conditions of this Order and the above-referenced permits, plans, documents and approvals. These statements shall be provided to Ecology before construction begins at the project.
11. This Order does not authorize direct, indirect, permanent, or temporary impacts to waters of the state or related aquatic resources, except as specifically provided for in conditions of this Order.
12. In the event of changes or amendments to the state water quality, ground water quality, or sediment standards, or changes in or amendments to the state Water Pollution Control Act (RCW 90.48), or the federal Clean Water Act, Ecology will issue an administrative order to incorporate any such changes or amendments applicable to this project.

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

**B. Water Quality Conditions:**

1. This order does not authorize temporary exceedances of water quality standards beyond the limits established in WAC 173-201A-200(1)(e)(i)(C).
  - The area of mixing established for freshwater is 300 feet downstream from the in-water activity. ~~†~~Turbidity occurring outside the point of compliance that is more than 5 nephelometric turbidity units (NTU) over background when the background is 50 NTU or less, or a 10% increase in turbidity when the background turbidity is more than 50 NTU, is a violation of the turbidity water quality standard.
  - Visible turbidity anywhere at the 300 ft point of compliance at the activity and/or the disposal location shall be considered to be an exceedance of the standard.

**C. Water Quality Monitoring**

1. The Applicant shall submit a water quality monitoring plan to Ecology per Condition A2 at least 14 days prior to **the first** dredging **season**. This plan shall be approved by Ecology prior to any in-water work. The plan shall include at a minimum the following information:
  - a. Name and contact information of the person or firm responsible for monitoring;
  - b. Map of sample locations including background at 300 feet upstream from the direction of the current, 150 feet downcurrent as an “early warning” location, and at the point of compliance. Sampling shall take place at or near the surface, at midway, and bottom depths. Averaging of these samples is not allowed. For this project the point of compliance is a radius of 300 feet from the activity causing the turbidity exceedance.
  - c. Parameter(s) to be monitored: turbidity
  - d. Sample method;
  - e. Frequency, and
  - f. Steps to be taken if monitoring results indicate an exceedance has occurred. The amount of the exceedance and the reason for the exceedance shall also be reported. Steps to be taken if monitoring results indicate an exceedance has occurred. The amount of the exceedance and the reason for the exceedance shall also be reported.

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2. Turbidity monitoring reports shall be sent **weekly** to the 401/CZM Federal permit coordinator **at the end of each dredging season**. The permit coordinator shall be contacted within 24 hours if an exceedance occurs.

**D. Dredging and Disposal:**

1. All dredging is to be done using a portable hydraulic dredging system guided by divers. **Use of any other type of dredge requires preapproval from Ecology.**
2. All dredged material will be piped to an area approximately 100 ft downstream of the intake structure and discharged via an outlet pipe. **Use of any other type of disposal method or location requires preapproval by Ecology.**
3. ~~DELETED For material being taken to in-water disposal sites, all debris (larger than 2 feet in any dimension) shall be removed from the dredged sediment prior to disposal. Similar sized debris found floating in the dredging or disposal area shall also be removed.~~
4. Dredging operations shall be conducted in a manner that minimizes the disturbance or siltation of adjacent waters and prevents the accidental discharge of petroleum products, chemicals or other toxic or deleterious substances into waters of the State.
5. Dredged material shall not be stockpiled on a temporary or permanent basis below the ordinary high water line.
6. ~~During dredging, the Applicant shall have a boat available on site at all times to retrieve debris from the water.~~ A pre-dredge meeting is required to be convened prior to the start of dredging **the first dredging season**. A **Dredging Plan** is required and shall be submitted to Ecology to the 401/CZM Federal permit coordinator at the address shown in Condition A2 for review and approval 14 days prior to the pre-dredge meeting.
7. Prior to each dredging **eyeleseason**, the Applicant shall contact the DMMP agencies to determine whether additional sediment testing is required. If additional testing is required, no dredging or disposal shall be conducted until the material has been tested and a suitability determination has been issued. This area ranks low in potential for contamination and the recency determination may have expired. Contact the DMMO for a possible extension.

**E. Conditions for Construction Activities:**

1. The Applicant shall obtain and comply with the Construction Stormwater General Permit if required for this project.

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2. Upland construction stormwater, sediment, and erosion control BMPs (e.g. filter fences) suitable to prevent exceedances of state water quality standards shall be in place before starting demolition/construction.
3. Sediment and erosion control measures shall be inspected and maintained prior to and during project implementation.
4. Wash water containing oils, grease, or other hazardous materials such as lead paint chips shall be contained and disposed of properly.

**F. Timing Requirements:**

1. This Order shall remain in effect for a period of 10 years from date of issuance.
2. All in-water and construction work shall be completed by the work window identified in the most current HPA issued for this project. Any project change that requires a new or revised HPA should also be sent to Ecology for review.

**G. Notification Requirements:**

1. The Applicant shall provide notice to Ecology's 401/CZM Federal permit coordinator at least 7 days prior to the start of construction, demolition, or dredging and within 14 days after completion of construction or dredging at the project site. Notification should be made using all the information required in Condition A2.

**H. Emergency/Contingency Measures:**

1. The Applicant shall develop a spill prevention and containment plan for this project, and shall have spill cleanup materials and an emergency call list available on site.
2. Any work that is out of compliance with the provisions of this Order, or conditions causing distressed or dying fish, or any discharge of oil, fuel, or chemicals into state waters, or onto land with a potential for entry into state waters, is prohibited. If these occur, the Applicant or operator shall immediately take the following actions:
  - a. Cease operations that are causing the compliance problem.
  - b. Assess the cause of the water quality problem and take appropriate measures to correct the problem and/or prevent further environmental damage.

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- c. In the event of finding distressed or dying fish, the applicant shall collect fish specimens and water samples in the affected area within the first hour of the event. These samples shall be held in refrigeration or on ice until the applicant is instructed by Ecology on what to do with them. Ecology may require analyses of these samples before allowing the work to resume.
  - d. In the event of a discharge of oil, fuel, or chemicals into state waters, or onto land with a potential for entry into state waters, containment and cleanup efforts shall begin immediately and be completed as soon as possible, taking precedence over normal work. Cleanup shall include proper disposal of any spilled material and used cleanup materials.
  - e. Immediately notify Ecology's 24-Hour Spill Response Team at 1-800-258-5990, **and** within 24 hours of spills or other events Ecology's 401/CZM Federal permit coordinator at (360) 407-6076.
  - f. Submit a detailed written report to Ecology within five (5) days that describes the nature of the event, corrective action taken and/or planned, steps to be taken to prevent a recurrence, results of any samples taken, and any other pertinent information.
3. Fuel hoses, oil drums, oil or fuel transfer valves and fittings, etc., shall be checked regularly for drips or leaks, and shall be maintained and stored properly to prevent spills into state waters, including wetlands.
  4. If at any time during work the proponent finds buried chemical containers, such as drums, or any unusual conditions indicating disposal of chemicals, the proponent shall immediately notify Ecology using the above phone numbers.

### **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 both 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**

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

## CONTACT INFORMATION

Please direct all questions about this Order to:

Helen Pressley  
Department of Ecology  
SEA Program, Headquarters  
PO Box 47600  
Olympia WA 98504-7600

360-407-6076  
[hpre461@ecy.wa.gov](mailto:hpre461@ecy.wa.gov)

## MORE INFORMATION

**Pollution Control Hearings Board Website**

[www.eho.wa.gov/Boards\\_PCHB.aspx](http://www.eho.wa.gov/Boards_PCHB.aspx)

**Chapter 43.21B RCW - Environmental and Land Use Hearings Office – Pollution Control Hearings Board**

<http://apps.leg.wa.gov/RCW/default.aspx?cite=43.21B>

**Chapter 371-08 WAC – Practice and Procedure**

<http://apps.leg.wa.gov/WAC/default.aspx?cite=371-08>

**Chapter 34.05 RCW – Administrative Procedure Act**

<http://apps.leg.wa.gov/RCW/default.aspx?cite=34.05>

**Chapter 90.48 RCW – Water Pollution Control**

<http://apps.leg.wa.gov/RCW/default.aspx?cite=90.48>

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**Chapter 173.204 WAC – Sediment Management Standards**

[www.ecy.wa.gov/biblio/wac173204.html](http://www.ecy.wa.gov/biblio/wac173204.html)

**Chapter 173-201A WAC – Water Quality Standards for Surface Waters of the State of Washington**

[www.ecy.wa.gov/biblio/wac173201A.html](http://www.ecy.wa.gov/biblio/wac173201A.html)

