



STATE OF WASHINGTON  
DEPARTMENT OF ECOLOGY

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

July 2, 2008

**REGISTERED MAIL**  
**RB 252 945 664 US**

U.S. Army Corps of Engineers  
Portland District  
Environmental Resources Branch  
ATTN: Steve Helm  
CENWP-PM-E  
P.O. Box 2946  
Portland, Oregon 97208-2946

RE: Water Quality Certification Order No. **5708**, Corps Project No CENWP-PM-E-08-07;  
for the Littoral Drift Restoration and North Jetty Berm Repair at Benson Beach, Pacific  
County, Washington.

Dear Mr. Helm:

On April 7, 2008, the Portland District of the U.S. Army Corps of Engineers (Corps) submitted a Joint Aquatic Resource Permit Application (JARPA) to the Department of Ecology (Ecology) requesting a Section 401 Water Quality Certification for the proposed Littoral Drift Restoration and North Jetty Berm Repair projects. A revised JARPA for the proposed projects was submitted to Ecology on April 21, 2008.

The purpose of these projects is to offset beach erosion, stabilize the upper beach adjacent to the North Jetty, and supply sand to the littoral drift system which moves sand northward along the Long Beach Peninsula in Pacific County, Washington. The Portland District Army Corps of Engineers issued a Joint Public Notice for the proposed project on May 28, 2008.

On behalf of the State of Washington, Ecology certifies that the work described in the JARPA and the public notice complies with applicable provisions of Sections 301, 302, 303, 306, and 307 of the Clean Water Act, as amended, and applicable state laws. This certification is subject to the conditions contained in the enclosed Order.



If you have any questions, please contact Lori Ochoa at (360) 407-6926. The enclosed Order may be appealed by following the procedures described in the Order.

Sincerely,

A handwritten signature in black ink, appearing to read "Perry J Lund", written over a circular stamp or mark.

Perry J Lund, Unit Manager  
Shorelands and Environmental Assistance Program  
Southwest Regional Office

PJL:SL:dn  
Enclosure

cc: Mike DeSimone, Pacific County  
Bill Rehe, Washington Department of Fish and Wildlife, Region 6  
Daniel Farber, Washington State Parks and Recreation

e-cc: Loree' Randall, Ecology, HQ  
Rick Mraz, Ecology, SWRO SEA  
George Kaminsky, Ecology, SEA HQ  
Deborah Cornett, Ecology, SWRO WQ  
Lori Ochoa, Ecology, SWRO SEA

**IN THE MATTER OF GRANTING A ) ORDER # 5708**  
**WATER QUALITY )**  
**CERTIFICATION TO )**  
**The Portland District, U.S. Army ) Littoral Drift Restoration and North Jetty Sand**  
**Corps of Engineers ) Berm Repair at Benson Beach, Pacific County,**  
 in accordance with 33 U.S.C. 1341 ) Washington.  
 (FWPCA § 401), RCW 90.48.120, RCW )  
 90.48.260 and Chapter 173-201A WAC )  
 )

IO: U.S. Army Corps of Engineers, Portland District  
 Environmental Resources Branch  
 ATTN: Mr. Steve Helm  
 CENWP-PM-E  
 P.O. Box 2946  
 Portland, Oregon 97208-2946

On April 7, 2008 the Portland District of the U.S. Army Corps of Engineers (Corps) submitted a Joint Aquatic Resource Permit Application (JARPA) to the Department of Ecology (Ecology) requesting a Section 401 Water Quality Certification. A revised JARPA for the proposed project was submitted to Ecology on April 21, 2008. A public notice regarding the request was distributed by the U.S. Army Corps of Engineers (Corps) for the above-referenced project pursuant to the provisions Chapter 173-225 WAC on May 28, 2008.

The Corps is proposing two projects involving the beneficial use of dredged material at Benson Beach, Pacific County, Washington; Section 8, Township 9 North, Range 11 West; WRIA 24, Willapa Watershed. The projects will be conducted between July 15 through September 15, annually for a 5-year period, concurrent with ongoing Corps maintenance dredging at the mouth of the Columbia River.

The purpose of the Littoral Drift Restoration Project is to supply sand to the littoral drift system which moves sand northward along the Long Beach Peninsula as a beneficial use of sediment to provide beach nourishment. The Corps proposes to transfer and place dredged material from the mouth of the Columbia River maintenance dredging operation to the Inter-tidal zone on Benson Beach, between approximately -100 to +14 Mean Lower Low Water (MLLW) and from about 1,500 feet to 4,500 feet north of the North Jetty.

The method for material placement will be a direct pump ashore method using a hopper dredge and pipeline. The hopper dredge will be stationed approximately 600 feet south of the North Jetty. A slurry of dredged material and water will be pumped through a connecting pipeline onto Benson Beach. Up to 1,000,000 cubic yards of fine to medium grained sand would be pumped through a 16- to 30-inch pipe over the top of the North Jetty onto Benson Beach annually for up to 5 years. The material will be placed in strips on the beach in a north-south orientation, measuring approximately 100 feet by 3,000 feet. The load capacity of the hopper dredge is approximately 2500 cubic yards, with a pump-out time of 30 to 60 minutes per load. The dredge will unload up to six times a day during the in-water work window.

The restoration of the sand berm adjacent to the North Jetty will also provide a beneficial use of the dredged sediment. As much as 125,000 cubic yards of sand would be pumped onto Benson Beach using the same method as described above for the Littoral Drift Restoration. The sand would then be moved by earth-moving equipment to repair the sand berm at an elevation higher than MHHW in order to lessen the probability of damage to the North Jetty from storms. A temporary sand berm will be constructed in order to retain sand on the beach during pump out. The temporary berm will be created from existing beach sand pushed by earth-moving equipment from the upper, non-vegetated part of the beach. This part of the beach will be restored to pre-project topography upon completion of the project. The work would take approximately three weeks to accomplish.

**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, 303, 306, and 307);
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 not violate 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.

**A. General Conditions:**

1. For purposes of this Order, the term "Applicant" shall mean the Portland District of the U.S. Army Corps of Engineers, and its agents, assignees, and contractors.

2. For purposes of this Order, all submittals required by its conditions shall be sent to Ecology's Southwest Regional Office Attn: Federal Permit Coordinator, P O. Box 47775, Olympia, WA 98504-7775. Any submittals shall reference Order No. **5708**.
3. Work authorized by this Order is limited to the work described in the JARPA received by Ecology on April 7, 2008, and as revised on April 21, 2008.
4. The Applicant will be out of compliance with this Order and must reapply with an updated application if the information contained in the JARPA is voided by subsequent changes to the project not authorized by this Order.
5. Within 30 days of receipt of an updated JARPA Ecology will determine if the revised project requires a new water quality certification and public notice or if a modification to this Order is required.
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 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.
8. 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. Further, Ecology retains continuing jurisdiction to make modifications hereto through supplemental order, if additional impacts due to project construction or operation are identified (*e g.*, violations of water quality standards, downstream erosion, etc.), or if additional conditions are necessary to further protect water quality.
9. 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.
10. Any person who fails to comply with any provision of this Order shall be liable for a penalty of up to ten thousand dollars (\$10,000 00) per violation for each day of continuing noncompliance.

**B. Water Quality Conditions:**

1. 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). Water quality criteria

contained in Chapter 173-201A-210(1)(e) WAC, shall apply to this project unless otherwise authorized by this Order.

2. 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.

**C. Turbidity Mixing Zone:**

1. In granting the following mixing zone for turbidity, Ecology finds that the supporting information clearly indicates the granting of mixing zones would not have a reasonable potential to: 1) cause a loss of sensitive or important habitat; 2) substantially interfere with the existing or characteristic uses of the Columbia River or the Pacific Ocean; 3) result in damage to the ecosystem; or, 4) adversely affect public health

- a. Mixing Zone Conditions:

Consistent with WAC 173-201A-400, this Order authorizes a mixing zone for turbidity as follows:

- i. The distance granted for the temporary turbidity mixing zone is a 3,000 foot radius from the project during the period of time during the active work window for the placement of sand in the project area.

**D. Monitoring & Reporting:**

1. Turbidity shall be assessed and recorded at a minimum of every four (4) hours during daylight hours while sand is being placed the project area.
  - a. Visible turbidity in the Pacific Ocean at a radius of 3,000 feet from the project activity is considered to be an exceedance of the standard.
2. If water quality exceedances of turbidity are observed work shall cease immediately and the Applicant or the contractor shall assess the cause of the water quality problem and take immediate action to stop, contain, correct the problem and/or prevent further water quality exceedances. If an exceedance occurs, the Applicant shall follow the protocols and notification procedures below:
  - a. Notification of Exceedances that are detected through water quality monitoring shall be made to Ecology within 24 hours of occurrence. Notification shall be made per Condition A2 above. The Applicant shall, at a minimum, provide Ecology with the following information:

- i. A description of the nature and cause of non-compliance;
    - ii. The period of non-compliance, including exact dates, duration, and times and/or the anticipated time when the Applicant will return to compliance; and,
    - iii. The steps taken, or to be taken, to reduce, eliminate, and prevent recurrence of the non-compliance.
    - iv. In addition, within five (5) days after notification of an exceedance, the Applicant shall submit a written report to Ecology that describes the nature of the violation, corrective action taken and/or planned, steps to be taken to prevent a recurrence, photographs, and any other pertinent information.
  - b. Mitigation and/or additional monitoring may be required if water quality standards are not met.
3. For the Littoral Drift Restoration part of the project, the Applicant shall submit to Ecology for review and approval a plan for how placed dredged material will be monitored. This plan shall include at a minimum:
- a. How the monitoring will assess project performance relative to existing baseline data, and information regarding morphological changes.
  - b. How short- to medium-term sediment transport pathways and morphological changes will be evaluated within the vicinity of the placed dredged material and over the entire beach and nearshore platform along Benson Beach and the area immediately north of North Head.
4. For the North Jetty berm repair project the Applicant shall collect near shore bathymetric data along the open coast beaches north of MCR. Bathymetry data to be collected between 0 ft MLLW and -25 to -40 ft MLLW. Also beach topography data collection shall be conducted.
5. A report summarizing the information in D4 and all other biological and physical studies undertaken relative to the dredged material placement shall be compiled and submitted to Ecology within six (6) months of the end of the dredging season. The Corps can request an extension of this time by submitting a written request with the reason for the extension and the new timeframe for Ecology's approval.

**E. Timing Requirements:**

1. This Order shall be valid until September 15, 2012.
2. Work shall take approximately three weeks between July 15 and September 15 of a given year.

**F. Notification Requirements:**

1. The Applicant shall provide written notification (FAX, e-mail or mail) to Ecology's Southwest Regional Office Federal Project Coordinator in accordance with condition A 2 above for the following activities:
  - a. At least five (5) days prior to the onset of any work on site
  - b. At least five (5) days prior to the onset of in-water work
  - c. Within fourteen (14) days after completion of construction

**NOTE:** These notifications shall include the Applicant's name, project name, project location, the number of this Order, contact and contact's phone number.

**G. Construction Conditions:**

**General Construction Conditions:**

1. During construction, the Corps shall comply with all stormwater requirements within the General Construction Stormwater NPDES permit issued by EPA for this project.
2. All work in and near the water shall be done so as to minimize turbidity, erosion, and other water quality impacts.
3. All trucks shall enter the project site via the park entrance road.
4. No petroleum products, fresh concrete, lime or concrete, chemicals, or other toxic or deleterious materials shall be allowed to enter waters of the state.
5. All debris or deleterious material resulting from construction shall be properly contained and disposed of at an approved upland location so that it cannot enter waters of the state.
6. All work within the project limits shall be clearly marked/staked prior to construction. Clearing limits, travel corridors, and stockpile sites shall be clearly marked. Sensitive areas and buffers that are to be protected from disturbance shall be marked so as to be clearly visible to equipment operators. All project staff shall be trained to recognize construction fencing or flagging that identifies sensitive area boundaries. Equipment shall enter and operate within the marked clearing limits corridors and stockpile areas.

**Equipment Staging and Maintenance:**

7. Staging areas will be located a minimum of 50 feet and, where practical, 200 feet from waters of the state.

8. Machinery and equipment used during construction shall be serviced, fueled, and maintained on uplands in a confined area in order to prevent containment to waters of the state. Fueling areas will be provided with adequate spill containment.
9. 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 waters of the state.

**I. 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, including wetlands, 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.
  - 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 Southwest Regional Spill Response Office at (360) 407-6300 and the Washington State Department of Fish and Wildlife of the nature of the problem, any actions taken to correct the problem, and any proposed changes in operations to prevent further problems.

**J. 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

OR

Deliver your appeal in person to:

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

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

Mail appeal to:

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

OR

Deliver your appeal in person to:

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

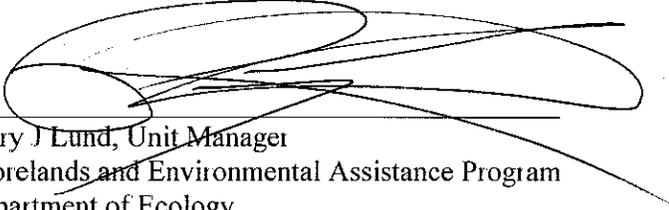
**3. And send a copy of your appeal to:**

Lori Ochoa  
Department of Ecology  
Southwest Regional Office  
P.O. Box 47775  
Olympia, WA 98504-7775

*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 this 2 day of July, 2008 at Lacey, Washington

  
Perry J Lund, Unit Manager  
Shorelands and Environmental Assistance Program  
Department of Ecology  
State of Washington