



STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY

4601 N. Monroe Street • Spokane, Washington 99205-1295 • (509) 329-3400

February 14, 2005

REGISTERED MAIL

Cliff Sears
P.O. Box 878
Ephrata, WA 98823

RE: Water Quality Certification for Corps Public Notice # 200401225. Construction of a fish passage facility through the existing structure of Wannapum Dam in and adjacent to the Columbia River (Wannapum Reservoir), in Grant County, Washington

Dear Mr. Sears:

The public notice from the U.S. Army Corps of Engineers for proposed work in or near the Columbia River, Grant County has been reviewed. On behalf of the State of Washington, we certify that the work proposed in the application for Department of Army permit, and Corps public notice complies with applicable provisions of Sections 301, 302, 303, 306 and 307 of the Clean Water Act, as amended, and other appropriate requirements of State law. This letter also serves as the State response to the Corps of Engineers.

This certification concurrence is subject to the conditions contained in the enclosed Order and to the water quality conditions of the following permit and approval:

- Hydraulic Project Approval # ST – G2860-01 issued January 28, 2005, by the Washington Department of Fish & Wildlife.

If you have any questions, please contact Michael W. Maher at (509) 329-3584. Written comments can be sent to him at the Department of Ecology, Eastern Regional Office, N 4601 Monroe, Spokane WA 99205-1295 or mmah461@ecy.wa.gov. The enclosed Order may be appealed by following the procedures described in the Order.

Sincerely,

Brian Farmer, Section Manager
Shorelands and Environmental Assistance Program
Eastern Regional Office

BGF:MM:sd
Enclosure

cc: Olivia Romano – U.S. Army Corps of Engineers, Seattle
Robert M. Steele - WDFW Area Habitat Biologist
Jean Parodi – Ecology, Water Quality, ERO
Travis Young – WDFW Relicensing Coordinator, Priest Rapids Hydroelectric Project
Ecology, HQ – Penny Keyes

THE MATTER OF GRANTING A) **ORDER # 1951**
WATER QUALITY) (Corps No. 200401225)
CERTIFICATION TO) Construction of a fish passage facility through
Grant County Public Utility District) the existing structure of Wannapum Dam. The
No.2) proposed spillway (discharge) structure will
in accordance with 33 U.S.C. 1341) extend about 241 feet (ft) downstream of the dam
FWPCA § 401, RCW 90.48.120, RCW) within the tailrace area located in the SE ¼ of
90.48.260 and Chapter 173-201A WAC) Section 17, T. 16 N., R. 23 E., Grant County,
Washington.

TO: Cliff Sears
P.O Box 878
Ephrata, WA 98823

On November 10, 2004, a public notice for a proposed water quality certification from the State of Washington was distributed for the above-referenced project pursuant to the provisions of 33 U.S.C. 1341 (FWPCA § 401). No comments were received.

The proposed project will entail: dredging to remove up to 4,000 cubic yards (cy) of material, consisting mostly of boulders and cobble from below the ordinary high water mark (OHWM) to prepare a foundation for a fish passage facility; underwater disposal of dredged material in an area about 210 ft long and 180 ft wide adjacent to the work site; installation of dewatering bulkheads within the dam; placement of concrete modules to act as cofferdams and forms for pour-in-place concrete for construction of the foundation and walls of the spillway structure; dewatering of the area created; pouring of 22,000 cy of concrete between the foundation and wall modules to complete construction of the spillway; removal of the dewatering bulkheads, construction forms and material used as seals; use of a barge mounted crane to dredge for the foundation and in the construction of the project.

AUTHORITIES:

In exercising authority under 33 U.S.C. 1341, 16 U.S.C. 1456, RCW 90.48.120 and RCW 90.48.260, the Washington State Department of Ecology (Ecology) has investigated 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. Sections 1311, 1312, 1313, 1316, and 1317 (FWPCA Sections 301, 303, 306 and 307);
2. Conformance with the state water quality standards as provided for in Chapter 173-201A WAC authorized by 33 U.S.C. 1313 and by Chapter 90.48 RCW, and with other appropriate requirements of state law; 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.

CONDITIONS OF ORDER # 200401225 AND WATER QUALITY CERTIFICATION:

In view of the foregoing and in accordance with 33 U.S.C. 1341, 90.48.120 RCW, 90.48.260 RCW and Chapter 173-201A WAC, water quality certification is granted to the Grant County PUD #2 subject to the following conditions:

A. No Impairment of Water Quality:

- A1. Certification of this proposal does not authorize Grant County PUD # 2 to exceed applicable state water quality standards (Chapter 173-201A Washington Administrative Code (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. Nothing in this certification shall absolve Grant County PUD # 2 from liability for contamination and any subsequent cleanup of surface waters or sediments occurring as a result of project construction or operations.

The Columbia River, a Class A water, has been identified on the current 303(d) list as exceeding state water quality standards for Total Dissolved Gases (TDG). This project shall not result in further exceedances of TDG water quality standards. TDG monitoring studies shall be conducted within two years of the bypass installation to assess TDG reduction through the use of the bypass. The gas monitoring plan(s) and study schedule shall be made available for review and approved by Ecology at least three months prior to the study. A report documenting the results of the study shall be made available to Ecology by December 31, 2009.

- A2. Toxic conditions resulting in distressed or dying fish (including dissolved oxygen levels below 5.0 mg/L) are not allowed. During and immediately after project construction, the applicant or contractor shall visibly monitor the area for distressed or dying fish. If water quality exceedances are observed outside the allowed mixing zone, in-water work shall cease immediately and the applicant or the contractor shall contact Ecology's Spill Response Office at (509) 329-3400.

B. Temporary Modification of Water Quality Standards:

- B1. Conditions listed below are issued under the authority of Chapter 90.48 RCW and 173-201A WAC and are intended to allow short-term modification of state water quality standards. Except as specifically authorized by this Order, all applicable provisions of 173-201A shall be met.

B2. The Columbia River is a Class A water. Turbidity shall not exceed 5 NTU over background turbidity when the background turbidity is 50 NTU or less, or have more than a 10 percent increase in turbidity when the background turbidity is more than 50 NTU. Certification of this project does not authorize the applicant to exceed the turbidity standard for Class A waters beyond the mixing zone described below at condition B3.

B3. Mixing Zone: Consistent with WAC 173-201A-110(3) a temporary mixing zone is established within which the turbidity standard is waived. The mixing zone is established to allow only temporary exceedances of the turbidity criteria during and immediately after project construction. The mixing zone shall not exceed 500 feet downstream from the in-water construction or excavation.

C. Water Quality Sampling and Monitoring:

C1. Grant PUD # 2 staff will conduct grab sample monitoring upstream of the project to determine background turbidity and at the downstream end of the mixing zone during construction to verify compliance. Samples will be taken periodically, but no less than every four hours, throughout the first day of construction activity at the downstream end of the mixing zone. Subsequent sampling is dependent upon monitoring results but will be taken at least once per day during the entire dredging component of the project. If exceedances are detected beyond the mixing zone during the first day you will immediately cease dredging and contact Michael Maher at Ecology, telephone (509) 329-3584 or email at mmah461@ecy.wa.gov, or fax at (509) 329-3529. Further abatement measures will then be implemented to reduce turbidity to the extent reasonably feasible and monitoring will continue. If monitoring results in continued exceedances beyond the mixing zone after all reasonable abatement measures have been taken, Michael Maher will again be immediately notified to determine whether or not work can continue and if an amendment to this Water Quality Certification is required.

C2. If no exceedances are detected, results of the initial background turbidity determination and the compliance monitoring samples shall be submitted to Ecology's Michael Maher at the end of the first week. After that, if no exceedances are detected, monitoring reports will continue to be submitted to Michael Maher on a monthly basis.

C3. If turbidity standards outside the mixing zone are exceeded, Grant County PUD #2 shall submit a detailed written report to Ecology's Michael Maher within five days that describes the nature of the violation, corrective action taken and/or planned, steps to be taken to prevent a recurrence, results of any samples taken, and any other pertinent information.

D. Construction Stormwater and Erosion Control:

D1. Work in or near waters of the state shall be done so as to minimize turbidity, erosion, and other water quality impacts.

- D2. All construction debris shall be properly disposed of on land so that it cannot enter a waterway or cause water quality degradation to state waters.
- D3. Wash water containing oils, grease, or other hazardous materials resulting from wash down of equipment or working areas shall be contained for proper disposal, and shall not be discharged into state waters or storm drains.

E. Emergency/Contingency Measures:

- E1. Fuel hoses, oil drums, oil or fuel transfer valves and fittings, etc., particularly on the barge used during the dredging operation, shall be checked regularly for drips or leaks, and shall be maintained and stored properly to prevent spills into state waters.
- E2. In the event the applicant is unable to comply with any of the permit terms and conditions due to any cause, the applicant shall:
- Immediately take action to stop, contain, and clean up unauthorized discharges or otherwise stop the violation and correct the problem.
 - Notify Ecology of the failure to comply. Spill events shall be reported immediately to Ecology's 24-Hour Spill Response Team at (509) 329-3400, and within 24 hours to Ecology's Michael Maher at (509) 329-3584.
 - Submit a detailed written report to Ecology within five days that describes the nature of the violation, corrective action taken and/or planned, steps to be taken to prevent a recurrence, results of any samples taken, and any other pertinent information.

Compliance with this condition does not relieve the applicant from responsibility to maintain continuous compliance with the terms and conditions of this Order or the resulting liability from failure to comply.

F. General Conditions:

- F1. For purposes of this Order, the term "Applicant" shall mean Grant County PUD # 2 and its agents, assigns, and contractors.
- F2. This certification does not exempt and is provisional upon compliance with other statutes and codes administered by federal, state, and local agencies.
- F3. Notification: Grant County PUD #2 shall provide notice to Ecology's Michael Maher at least 3 days prior to the start of dredging and construction. Notification can take place by e-mail to mmah461 @ecy.wa.gov, telephone (509) 329-3584, or fax (509) 329-3529.

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- F4. The applicant will be out of compliance with this certification if the project is constructed and/or operated in a manner not consistent with the project description contained in the Public Notice for certification, or as otherwise approved by Ecology. Additional mitigation measures may be required through other local, state, or federal requirements.
- F5. The applicant will be out of compliance with this certification and must reapply with an updated application if five years elapse between the date of the issuance of this certification and the beginning of construction and/or discharge for which the federal license or permit is being sought.
- F6. The applicant will be out of compliance with this certification and must reapply with an updated application if the information contained in the Public Notice is voided by subsequent submittals to the federal agency. Any future action at this project location, emergency or otherwise, that is not defined in the public notice, or has not been approved by Ecology, is not authorized by this Order. All future actions shall be coordinated with Ecology for approval prior to implementation of such action.
- F7. 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 foremen, and state and local government inspectors. To avoid violations or non-compliance with this Order, Grant County PUD #2 shall ensure that project managers, construction superintendents, and other responsible parties have read and understand relevant aspects of this Order, the HPA, and any subsequent revisions or Ecology-approved plans.
- F8. The applicant shall provide access to the project site upon request by Ecology personnel for site inspections, monitoring, necessary data collection, or to ensure that conditions of this Order are being met.
- F9. Nothing in this Order waives Ecology's authority to issue additional orders if Ecology determines further actions are necessary to implement the water quality laws of the state. Ecology retains continuing jurisdiction to make modifications hereto through supplemental order if additional water quality impacts due to project construction or operation are identified or if additional conditions are necessary to further protect the public interest.
- F10. Liability: 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) per violation for each day of continuing noncompliance.

Appeal Process:

Any person aggrieved by Order #1951 may obtain review thereof by appeal. Pursuant to chapter 43.21B. RCW, a person can appeal this order to the Pollution Control Hearings Board within 30

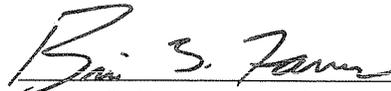
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days of the date of receipt of this Order. Any such appeal must be sent to the Washington Pollution Control Hearings Board, PO Box 40903, Olympia, WA 98504-0903. Concurrently, a copy of the appeal must be sent to the Department of Ecology, Shorelands and Environmental Assistance Program, Attn: Loree' Randall, PO Box 47600, Olympia, WA 98504-7600. These procedures are consistent with the provisions of Chapter 43.21B RCW and the rules and regulations adopted thereunder.

Dated February Eighth, 2005 at Spokane, Washington.



Brian G. Farmer, Section Manager
Shorelands and Environmental Assistance
Program
Department of Ecology
State of Washington