STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY
PO Box 47775 • Olympia, Washington 98504-7775 • (360) 407-6300

June 23, 2005

REGISTERED MAIL
RB 253 008 369 US

Colonel Richard W. Hobernicht
District Engineer
Portland District Corps of Engineers
P.O. Box 2946
Portland, OR 97208-2946

Dear Colonel Hobernicht:

RE: First Amendment to Section 401 Water Quality Certification Order No. 03SEAHQ-5603 for the Columbia River Improvement Project

Enclosed is amended Order No. 03SEAHQ-5603. The purpose of this amendment is to address the safety concerns that the Corps of Engineers (Corps) identified in the June 20, 2005, letter to the Department of Ecology (Ecology).

The Corps identified concerns regarding monitoring after dark and during times of poor visibility, and monitoring at the point of discharge during dredging activities. In response to the Corps' safety concerns Ecology is amending Order No. 03SEAHQ-5603 to: (1) require that monitoring be conducted only between sunrise and sunset; (2) relaxing the monitoring requirements during poor visibility; and, (3) eliminating the point of discharge monitoring location. These changes will not affect the overall integrity of the monitoring program for this project.

All correspondence relating to this document should be directed to Loree' Randall at Department of Ecology, P.O. Box 47600, Olympia, Washington 98504-7600. If you have any questions concerning the content of the document, please call Loree' Randall, at 360/407-6068.

Sincerely,

Paula Ehlers, Section Manager
Shorelands and Environmental Assistance Program
Southwest Regional Office

PE:dn
Enclosure

STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY

IN THE MATTER OF Granting a Water Quality Certification/Modification to: Portland District Corps of Engineers **In Accordance with 33 U.S.C 1341 [FWPCA § 401], RCW 90.48 and WAC 173-201A**	)))))))	Order No. 03SEAHQ-5603 FIRST AMENDMENT Deepen the existing navigation channel of the lower Columbia River from -40 to -43 feet between river miles 3 to 106.5. Disposal of dredged material in flowlane, restoration sites, upland sites and ocean disposal

To: Colonel Richard W. Hobernicht
District Engineer
Portland District Corps of Engineers
P.O. Box 2946
Portland, OR 97208-2946

Order No. 03SEAHQ-5603, dated June 23, 2003, is hereby amended as follows:

1. Conditions I.E. 1 & 2 that read:

I.E1. Turbidity shall be measured during in-water dredging and recorded at a minimum every two hours during periods of active dredging. The designated person attending the monitoring equipment shall be responsible for immediately notifying the project foreman of any exceedance of the turbidity standard. Monitoring points shall be 100 feet up stream (representative of background), at the outer limit of the mixing zone and at the discharge point. A turbidimeter is to be used. If measurements taken at the outer limit of the mixing zone show (a) recorded turbidity is greater then 5 NTU over background where the background is less then 50 NTU, or, (b) a if more than a 10 percent increase in turbidity when the background turbidity is more than 50 NTU, occurs at the outer limit of the mixing zone, the Corps is required to modify or stop the activity causing the problem and continue to monitor every two hours. The Corps cannot restart dredging operations until turbidity levels return to below background.

I.E.2. Dissolved oxygen levels shall be measured and recorded at a minimum, every two hours, during periods of active dredging. If dissolved oxygen levels fall below 6.0 mg/l, the Corps is required to modify the activity and continue to monitor every two hours. If dissolved oxygen levels fall below 6.0 mg/l as an instantaneous concentration, work shall stop until dissolved oxygen levels return above 6.0 mg/l. The designated person attending the monitoring equipment shall be responsible for immediately notifying the project foreman of any exceedance of the dissolved oxygen standard. Monitoring points shall be 100 feet downstream, and at the discharge point.

Are replaced as follows:

I.E1. Turbidity shall be measured during in-water dredging and recorded, at a minimum, every two hours during periods of active dredging from sunrise to sunset. The designated person attending the monitoring equipment shall be responsible for immediately notifying the project foreman of any exceedance of the turbidity standard. Monitoring points shall be 100 feet up stream (representative of background) and at the outer limit of the mixing zone. A turbidimeter is to be used. If measurements taken at the outer limit of the mixing zone (a) show a recorded turbidity is greater then 5 NTU over background where the background is less then 50 NTU, or (b) if more than a 10 percent increase in turbidity when the background turbidity is more than 50 NTU occurs at the outer limit of the mixing zone, the Corps is required to modify or stop the activity causing the increased turbidity problem and continue to monitor turbidity every two hours. The Corps cannot restart dredging operations until turbidity levels return to below background.

I.E.2. Dissolved oxygen levels shall be measured and recorded, at a minimum, every two hours during periods of active dredging from sunrise to sunset. If dissolved oxygen levels fall below 6.0 mg/l, the Corps is required to modify the activity and continue to monitor every two hours. If dissolved oxygen levels fall below 6.0 mg/l as an instantaneous concentration, work shall stop until dissolved oxygen levels return above 6.0 mg/l. The designated person attending the monitoring equipment shall be responsible for immediately notifying the project foreman of any exceedance of the dissolved oxygen standard. Monitoring points shall be 100 feet downstream.

2. Condition III.B.7 is added:

III.B.7 The Corps shall monitoring turbidity during flowlane disposal activities in the lower river between river miles 3 to 53. Measurements shall be taken and recorded a minimum of twice a day (one on the flood tide and one on the ebb tide, if such occurs during daylight hours). Above river mile 53 measurements shall be taken and recorded at a minimum of once a day during daylight hours. Monitoring points shall be located a minimum of 100 feet up stream (representative of background) and at the outer limit of the mixing zone.

3. Condition VII.B is added:

VII.B During periods of restricted visibility that could cause an unsafe condition the Corps may postpone the monitoring requirements in conditions I.E.1 & 2 and condition III.B.7. The Corps shall verify through a third party, such as the Coast Guard Watch Stander (360-642-2382) or the National Weather Service web site (http://www.wrh.noaa.gov/) or at the Weather Channel website (http://www.weather.com/outlook/recreation/outdoors/local/) that the visibility in the area is considered to be restricted and not safe to monitor. The Corps shall document on the daily monitoring report the cause for the restrictive visibility (fog, mist, heavy rainstorm or any other similar cause), how such cause was verified, and the time of day the restricted visibility occurred. Regular monitoring must resume once the visibility increases to safe levels.

No other condition or requirement of Order No. 03SEAHQ-5603 is hereby affected by this amendment.

You have the right to appeal this amendment to the Pollution Control Hearings Board. Pursuant to chapter 43.21B RCW, your appeal must be filed with the Pollution Control Hearings Board, and served on the Department of Ecology, within thirty (30) days of the date of your receipt of this document.

To appeal this amendment, your notice of appeal must contain a copy of the Ecology amendment you are appealing.

Your appeal must be filed with:

The Pollution Control Hearings Board
4224 - 6th Avenue SE, Rowe Six, Bldg. 2
P.O. Box 40903
Lacey, Washington 98504-0903

Your appeal must also be served on:

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

In addition, please send a copy of your appeal to:

Loree' Randall
Department of Ecology
P.O. Box 47600
Olympia, Washington 98504-7600

For additional information: Environmental Hearings Office Website: http://www.eho.wa.gov

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 23 day of June, 2005 at Lacey, Washington

Paula Ehlers

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