



STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY

PO Box 47600 • Olympia, WA 98504-7600 • 360-407-6000
TTY 711 or 800-833-6388 (for the speech or hearing impaired)

REGISTERED MAIL

March 30, 2006

Mr. Scott Isaacson
Columbia River Sand and Gravel
PO Box 1730
Seattle WA 98111

RE: Water Quality Certification - Order #3191/Corps Public Notice 199801275P-
Commercial dredging of a total of 400,000 cubic yards (cy) annually from the Columbia
River federal navigation channel, Clark County, Washington.

Dear Mr. Isaacson:

The above-referenced public notice for proposed work in waters of the state has been reviewed in accordance with all pertinent rules and regulations. On behalf of the State of Washington, we certify that the work proposed in the 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 is subject to the conditions contained in the enclosed Order and may be appealed by following the procedures described in the Order. If you have any questions concerning the content of the Order, please contact Helen Pressley at (360) 407-6076.

Sincerely,

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

cc: Portland Corps – John W Barco
Penny Keys – Ecology HQ
Sasha Visconty, Axis Environmental, 24916 SE 133rd Way, Issaquah, WA 98027



IN THE MATTER OF GRANTING A) ORDER # 3191
WATER QUALITY) Corps Reference No. 199801275P
CERTIFICATION TO) Maintenance dredging of a total of 400,000 cy
Columbia River Sand and Gravel) annually over a period of 10 years from the
 In accordance with 33 U.S.C. 1341) Columbia River federal navigation channel, in
 (FWPCA § 401), RCW 90.48.120, RCW) Clark County, Washington.
 90.48.260 and Chapter 173-201A WAC)
)
)

TO: Mr. Scott Isaacson
 Columbia River Sand and Gravel
 PO Box 1730
 Seattle WA 98111

On March 10, 2006 Columbia River Sand and Gravel submitted a Joint Aquatic Resource Permit Application (JARPA) to the Department of Ecology (Ecology) requesting a Section 401 Water Quality Certification. 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 of Chapter 173-225 WAC on December 21, 2005.

The applicant has requested a permit to remove approximately 400,000 cubic yards (cy) of sand annually from the federal navigation channel to a depth of -48 feet Columbia River Datum (CRD). The applicant is requesting authorization to dredge on a year-round basis. The federal navigation channel in the project area is currently authorized to a depth of -43 CRD with up to 5 feet of overdredge. Dredging would be accomplished with a 220 foot hopper dredge, which uses a 30-inch suction draghead screened to a 6 inch opening. The onboard hopper has a capacity of 1500 cy. The applicant proposes to discharge return water from upland disposal at the Port of Vancouver facility. The Port of Vancouver facility is located at Columbia River, River Mile 104 and has an existing National Pollutant Discharge Elimination System (NPDES) permit from the Washington State Department of Ecology.

AUTHORITIES:

In exercising authority under 33 U.S.C. § 1341, 16 U.S.C. § 1456, 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 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), 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 operations.

A. General Conditions:

1. For purposes of this Order, the term "Applicant" shall mean Columbia River Sand and Gravel 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 to the Federal Permit Coordinator, PO Box 47600, Olympia WA 98504. Any submittals shall reference Order No. 3191 and Corps No. 199801275P
3. Work authorized by this Order is limited to the work described in the JARPA received by Ecology on March 10, 2006. 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.
4. 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.
5. This Order shall be rescinded if the Army Corps of Engineers does not issue an individual 404 water quality permit.

6. This Order does not exempt, and is provisional upon compliance with other statutes and codes administered by federal, state, and local agencies.
7. Copies of this Order shall be kept on the job site and readily available for reference by Ecology personnel, the dredge superintendent, managers and lead workers, and state and local government inspectors.
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. Further, Ecology retains continuing jurisdiction to make modifications hereto through supplemental order, if additional impacts due to project operation are identified (e.g., violations of water quality standards, erosion, etc.), 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 the project begins.
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. 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:

1. No Further Impairment of Existing Water Quality.

The Columbia River, (WRIA 28) is a Class A water of the state. Certification of this proposal does not authorize the Applicant to exceed applicable state water quality standards (173-201A WAC) or sediment quality standards (Chapter 173-204 WAC). Water quality criteria contained in WAC 173-201A-030(2) and WAC 173-201A-040 shall apply to this project. This Order does not authorize temporary exceedances of water quality standards beyond the limits established in WAC 173-201A-110(3). Furthermore, nothing in this certification shall absolve Columbia River Sand and Gravel from liability

for contamination and any subsequent cleanup of surface waters or sediments occurring as a result of project operation.

This segment of the Columbia River has been identified on the current 303(d) list of impaired water bodies for exceeding temperature and fecal coliform. This proposed project shall not result in further exceedances of those listed standards, and will be out of compliance with this certification if discharges from the project exceed limits for those contaminants identified in 173-201A-030(2) WAC and/or 173-201A-040 WAC.

C. Dredging and Disposal:

1. All dredging is to be done using a hopper dredge. Use of any other type of dredge will require prior approval from Ecology and the Portland District of the Army Corps of Engineers.
2. 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. All debris shall be disposed of at appropriate upland locations.
3. 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.
4. Dredged material shall not be stockpiled on a temporary or permanent basis below the ordinary high water line.
5. The hopper dredge shall be operated with the intake at or below the surface of the sediments to be removed during all periods of operation.
6. The draghead on the hopper dredge shall be lowered to at least 20 feet below the surface if water is pumped through the dragheads to flush out the hopper bins.
7. The following conditions pertain to the pumping of dredged material to the upland site or confined disposal facility (CDF). Typically, a CDF consists of the following: [1] earthen dikes that form the perimeter of the facility, [2] a weir structure that provides flow control and retention of the solid fraction of dredged material and [3] an outlet structure or pipe that conveys the return water fraction of dredged material [effluent] to a single point of discharge into the Columbia River.
 - a. The upland disposal of hydraulically dredged sediments shall be into a CDF that is properly designed, constructed, and maintained to contain the dredge slurry. The base of the weir structure shall be reinforced to prevent undercutting. A supply of extra berm material or sand bags should be available if needed to repair or reinforce the berms.

D. Emergency and Contingency Measures:

1. Any in-water work that is out of compliance with the provisions of this Order, 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 operator shall immediately take the following actions:
 - a. Cease operations.
 - 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 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.
2. Spills into state waters, spills onto land with a potential for entry into state waters, or other significant water quality impacts, shall be reported immediately to Ecology's Southwest Regional Spill Response Office at (360) 407-6300.
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. Monitoring: During and immediately after the project, the Applicant or contractor shall visibly monitor the area for distressed or dying fish. If distressed or dying fish are observed, in-water work shall cease immediately and the Applicant or the contractor shall contact Ecology's Southwest Regional Spill Response Office at (360) 407-6300.
5. Work in or near waters of the state shall be done so as to minimize turbidity, erosion, and other water quality impacts. Stormwater, sediment, turbidity, and erosion control Best Management Practices suitable to prevent exceedances of state water quality standards shall be in place before starting clearing, filling, and grading work at the impact site.

E. Timing Requirements:

1. In-water work may be done during any time of the year. Any project change that requires a new or revised HPA should also be sent to Ecology for review.
2. This Order shall remain in effect for a period of ten (10) years from date of issuance. Continuing this project beyond the ten year term of this Order will require separate certifications every ten years.

Ecology reserves the option to reassess the terms of this Order and amend or revoke, as necessary, in the event that:

- a. New sources of potential contamination are discharged or otherwise stand to significantly affect the quality of sediment, or
- b. New information indicates that filling activities are having a significant adverse impact on water quality or characteristic uses.

F. Notification Requirements:

1. **The department shall be notified at least 72 hours prior to the start of dredging.**
Contact Helen Pressley at Department of Ecology, PO Box 47600, Olympia WA 98504-7600, (360) 407-6076, or hpre461@ecy.wa.gov.

G. Appeal Process:

You have the right to appeal this Order 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 Order, your notice of appeal must contain a copy of the Ecology Order 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:

Federal Permit Appeals Coordinator
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 March 30, 2006 at Lacey, Washington.



Brenden McFarland, Section Manager
Shorelands and Environmental Assistance Program
Department of Ecology
State of Washington

Attachment #A

Water Quality Certification Statement of Understanding

I, _____, state that, as an agent or contractor for dredging and/or dredge-related work in the Columbia River, Clark County, Washington, I have read and understand the relevant conditions of Washington State Department of Ecology Water Quality Certification Order #3191 and the applicable permits and approvals referenced therein which pertain to the project-related work for which I am responsible.

Signature

Date

Title

Company

