



STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY

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February 15, 2008

REGISTERED MAIL

RB 252 946 642 US

Mr. David Ripp
Port of Camas/Washougal
24 South A St.
Washougal WA 98671

**RE: Water Quality Certification - Order #5333/Corps Public Notice # NWS-2005-533-P
Maintenance dredging of the Port of Camas/Washougal marina in the amount of
approximately 36,300 cubic yards (CY) in Washougal, Clark County, Washington**

Dear Mr. Ripp:

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 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 this letter, please contact Helen Pressley at (360) 407-6076.

Sincerely,

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

cc: Rod Orlando
Kathryn Harris, Portland Corps
Penny Keys, Ecology



IN THE MATTER OF GRANTING A) ORDER #5333
WATER QUALITY) Corps Reference No. NWS-2005-533-P
CERTIFICATION TO) Maintenance dredging in the amount of 36,300
the Port of Camas/Washougal) cubic yards (CY) of sediment from in and around
in accordance with 33 U.S.C. 1341) the Port of Camas/Washougal Marina, in
(FWPCA § 401), RCW 90.48.120, RCW) Washougal, Clark County, Washington
90.48.260 and Chapter 173-201A WAC)

TO: Mr. David Ripp
Port of Camas/Washougal
24 South A St.
Washougal WA 98671

On December 17, 2007 the Port of Camas/Washougal submitted a Joint Aquatic Resource 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 for the above-referenced project pursuant to the provisions of Chapter 173-225 WAC on July 6, 2007.

The proposed project includes maintenance dredging in the amount of 36,300 CY (12,100 CY each during 3 dredging events over the life of this permit.) from two areas of the Camas/Washougal Marina over a period of ten years. The area of impact totals 3.49 acres. Material would be removed with a hydraulic dredge.

The dredged material is proposed for disposal in the Columbia River between river miles 120.2 and 120.6 south of Lady Island, 50 to 100 feet north of the main navigation channel. Another alternative disposal site is upland on Port-owned property located southwest of the intersection of South 6th St. and SR-14 in Washougal, Clark County, Washington.

The reason for this dredging is to maintain access to the marina.

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 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 Port of Camas/Washougal 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: Federal Project Coordinator, P.O. Box 47600, Olympia, WA 98504. Any submittals shall reference Order No. 5333 and Corps No. NWS-2005-533-P.
3. Work authorized by this Order is limited to the work described in the JARPA received by Ecology on December 17, 2007. 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 does not exempt, and is provisional upon compliance with other statutes and codes administered by federal, state, and local agencies.
6. Copies of this Order shall be kept at 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 and all mitigation sites 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. 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 stating 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.
10. 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.
11. 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.
12. This Order shall be rescinded if the US Army Corps of Engineers does not issue an individual Section 404 and Section 10 permit.

B. Water Quality:

1. This order does not authorize temporary exceedances of water quality standards beyond the limits established in WAC 173-201A-210(1)(e).

C. Dredging and Disposal:

1. All dredging is to be done using a hydraulic dredge. Use of any other type of dredge will require prior approval from Ecology.
2. All material dredged will be transported to either the Lady Island instream disposal site, or taken upland onto port-owned property.
3. 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. During dredging, the Applicant shall have a boat available on site at all times to retrieve debris from the water.

In-water Disposal:

1. In-water disposal sites may be used for the disposal of sediments dredged provided the dredged material is discharged through a downspout that is at least 20 feet into the water column.

Upland Disposal:

The following conditions apply to disposal of dredged material to an upland site or confined disposal facility (CDF). Typically, a CDF consists of the following design features: [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. [3] An outlet structure that conveys the turbid water fraction of dredged material [effluent] to a single point of discharge. The point of discharge may be a nearby surface water, wetland or bare ground.

1. CDF Design and Operation. The following "best management practices" pertain to the design and operation of a CDF:
 - a. The CDF should be designed to provide the maximum practical degree of solids retention during operation, and for the entire life of the site.
 - b. The outfall should be located so as to provide the maximum amount of dilution or dispersion of the effluent and to minimize any potential scour or erosion effects to more sensitive aquatic resources such as small tributaries and sloughs, shallow tide flats, and wetlands.
 - c. To the greatest extent practicable, CDF sites shall be stabilized to prevent significant offsite erosion of the dredged material by either water or wind transport.
2. A **Dredging Plan** is required for in-water disposal and shall be made available for review and approval at the pre-dredge meeting to be convened prior to the start of dredging. One week prior to the pre-construction meeting, a copy of the plan shall be sent to the Federal Permit Coordinator, Department of Ecology, PO Box 47600, Olympia WA 98504-7600 for review prior to the meeting.

D. Timing Requirements:

1. In-water work is subject to a fishery closure window described in Washington State Department of Fish and Wildlife's (WDFW) Hydraulic Project Approval (HPA) #108600-2 dated September 24, 2007. All in-water 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.

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.

E. Notification Requirements:

1. The Applicant shall provide notice to Ecology's 401/CZM Federal Project Manager at least three (3) days prior to the start of construction and within 14 days after completion of construction or dredging at the project site. Notification, referencing Corps Reference #NWS-2005-533-P, Order #5333 can take place by telephone to (360) 407-6076 or, fax to (360) 407-6902, e-mail at hpre461@ecy.wa.gov or in writing.

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

F. 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 24-Hour Spill Response Team at 1-800-258-5990, **and** within 24 hours of spills or other events to Ecology's 401/CZM Federal Project Manager 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.

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.
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.

G. 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:

Department of Ecology
SEA Program, Headquarters
Attn: Helen Pressley
P.O. Box 47600
Lacey, WA 98504-7600

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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 Feb 15, 2008 at Lacey, Washington.



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

ATTACHMENT A

**Port of Camas/Washougal
Port of Camas/Washougal Marina Maintenance Dredging
Water Quality Certification Order #5333**

**Statement of Understanding of
Water Quality Certification Conditions**

I have read and understand the conditions of Order #5333 Section 401 Water Quality Certification for the **Port of Camas/Washougal Marina Maintenance Dredging Project**. I have also read and understand all permits, plans, documents, and approvals associated with the **Port of Camas/Washougal Marina Maintenance Dredging Project** referenced in this order.

Signature

Date

Title

Company

Please make copies for all appropriate employees.

