



STATE OF WASHINGTON  
DEPARTMENT OF ECOLOGY

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

June 1, 2007

REGISTERED MAIL  
RB 252 974 073 US

Trans Alta Corporation  
ATTN: Tony Briggs  
913 Big Hanaford Road  
Centralia, WA 98531

RE: Water Quality Certification Order No. **4212** for Corps Public Notice No. 200600278 to construct the rail upgrade project west of the Trans Alta Centralia Generation Plant at Centralia, Lewis County, Washington

Dear Mr. Briggs:

On January 10, 2007, Trans Alta Corporation, submitted a Joint Aquatic Resource Permit Application (JARPA) to the Department of Ecology (Ecology) for a Section 401 Water Quality Certification (401 Certification) under the federal Clean Water Act for the proposed rail upgrade project. The project proposes to place fill in 2.68 acres of wetlands to construct two new railroad sidings which will parallel an existing railroad spur along Big Hanaford Road. The two new rail sidings would expand the existing rail bed footprint approximately 40 feet to the north and would be approximately 8500 feet in length. Nine culverts will be extended from the existing railroad spur under the new sidings to maintain drainage under the widened railroad bed. A one-foot wide ditch will be constructed along the north edge of the sidings to collect runoff and prevent erosion. The U.S. Army Corps of Engineers issued a public notice on February 13, 2007 for the proposed project.

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 seal.

Perry J. Lund  
Southwest Regional Office  
Shorelands and Environmental Assistance Program

PJL:LO:th  
Enclosure

cc: Jonathan Smith, U.S. Army Corps of Engineers  
Kernan Lien, Lewis County  
Scott Brummer, WDFW  
Glen Waugh, Department of Interior

<b>IN THE MATTER OF GRANTING A</b>	)	<b>ORDER # 4212</b>
<b>WATER QUALITY</b>	)	<b>Corps Reference No. 200600278</b>
<b>CERTIFICATION TO</b>	)	To construct two 8500-foot railroad sidings and
<b>Trans Alta Corporation</b>	)	extend nine culverts for the Trans Alta Rail
in accordance with 33 U.S.C. 1341	)	Upgrade Project, Lewis County, Washington.
(FWPCA § 401), RCW 90.48.120, RCW	)	
90.48.260 and Chapter 173-201A WAC	)	
	)	
	)	

TO: Trans Alta Corporation  
 ATTN: Tony Briggs  
 913 Big Hanaford Road  
 Centralia, Washington 98531

On January 10, 2007, Trans Alta Corporation 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 Chapter 173-225 WAC on February 13, 2007.

The project proposes to construct two new railroad sidings which will parallel an existing railroad spur along Big Hanaford Road. The two new rail sidings would expand the existing rail bed footprint approximately 40 feet to the north and would be approximately 8500 feet in length. Nine culverts will be extended from the existing railroad spur under the new sidings to maintain drainage under the widened railroad bed. A one-foot wide ditch will be constructed along the north edge of the sidings to collect runoff and prevent erosion.

The project is located west of the Trans Alta Centralia Generation Plant, approximately 1,000 feet east of the plant entrance road at 913 Big Hanaford Road, Centralia, Lewis County, SW Section 30, Township 15 North, Range 1 West; Section 25, Township 15 North, Range 2 West; and NE Section 26, Township 15 North, Range 2 West; WRIA No. 23, Upper Chehalis Watershed.

The project will directly impact 1.65 acres of Category II and 1.03 acres of Category III wetlands for a total of 2.68 acres of direct wetland impacts. The project will indirectly impact a 220-foot-wide zone along the Category II wetlands and an 80-foot-wide zone along the Category III wetlands. In addition, the project will also directly impact 0.5 acre and indirectly impact 4.6 acres of the Big Hanaford Creek Mitigation site.

To compensate for all unavoidable direct project impacts, approximately 9.27 acres of wetlands within the floodplain of Big Hanaford Creek will be rehabilitated/enhanced and 12.0 acres of existing high quality forested wetlands will be preserved for a total of 21.27 acres of mitigation.

The mitigation site is contiguous with the previously approved Big Hanaford Creek mitigation site which will relocate the Big Hanaford Creek into a historic 7,700-foot meander. To compensate for indirect project impacts, a set-aside buffer zone will be established.

The 4.6 acres of indirect impacts to the Big Hanaford Creek mitigation site will be compensated for by moving the meandered channel out of the 220-foot-wide indirect impact zone and provide an additional 4.6 acres of mitigation within the floodplain.

**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 Trans Alta Corporation 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, SEA Program, P.O. Box 47775, Olympia, WA 98504-7775. Any submittals shall reference Order No. 4212 and Corps No. 200600278.
3. Work authorized by this Order is limited to the work described in the JARPA received by Ecology on January 10, 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 shall be rescinded if the U.S. Army Corps of Engineers does not issue a Section 404 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 construction superintendent, construction managers and lead workers, and state and local government inspectors.
8. 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.
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 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.
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 construction begins at the project.

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. No Further Impairment of Existing Water Quality:**

1. Certification of this proposal does not authorize the Applicants 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-200 shall apply to this project, unless otherwise authorized by Ecology.
2. This Order does not authorize temporary exceedences of water quality standards beyond the limits established in WAC 173-201A- 200(1)(e). Furthermore, nothing in this certification shall absolve the Applicants from liability for contamination and any subsequent cleanup of surface waters or sediments occurring as a result of project construction or operations.

**C. Wetland Mitigation**

1. Project mitigation shall be constructed and maintained as described in the *Revised Wetland Mitigation and Monitoring Plan* for the Rail Upgrade Project; Trans Alta Centralia Mining LLC dated May 2007.
2. Any changes to the *Wetland Mitigation and Monitoring Plan* must be approved in writing by Ecology.
3. Compensatory mitigation construction and installation shall occur prior to or concurrently with, project impacts to wetlands.
4. All excess excavated material from the mitigation site shall be disposed of in an appropriate location outside of sensitive area and their buffers except as specified in the mitigation plan and shall be stabilized or contained so as to prevent its entry into waters of the state.

5. All earth areas that have been exposed or disturbed on the mitigation site shall be stabilized to prevent erosions by using mulch or an equivalent such as seeding with a suitable erosion control seed mix consisting of native, non-invasive plant species only.
6. All mitigation sites shall be monitored for a 10-year period following project construction. Additional monitoring of the mitigation area may be required by Ecology if wetland monitoring reveals that performance measures are not being met.
7. Wetland mitigation monitoring and maintenance shall be implemented as described in Chapter 6 of the *Revised Wetland Mitigation and Monitoring Plan* for the Rail Upgrade Project; Trans Alta Centralia Mining LLC dated May 2007.
8. The Applicant is responsible for achieving the mitigation goals and performance standards as outlined in Table 6-1 of the *Revised Wetland Mitigation and Monitoring Plan*. The performance standards shall be met over the ten year monitoring period. The final mitigated wetlands shall meet the Category II characteristics as described in the *Washington State Wetlands Rating System for Western Washington* revised August 2004.
9. A set-aside buffer zone, where no mowing would occur, will be established within a 200-foot-wide zone west of the Big Hanaford Creek mitigation site and an 80-foot-wide zone east of the Big Hanaford Creek mitigation site.
10. The property owner shall grant Ecology access to the mitigation areas for inspection during the 10 year monitoring period or until mitigation success has been achieved.
11. Contingency measures shall be implemented as identified in the *Revised Wetland Mitigation and Monitoring Plan* for the Rail Upgrade Project; Trans Alta Centralia Mining LLC dated May 2007. Prior to implementing any contingency measures, applicant will consult with permitting agencies.
12. Any changes to the mitigation plan or monitoring requirements must be approved in writing by Ecology before they are incorporated into the plan or implemented on the ground.
13. Deed Restriction: Permanent protection of the wetland mitigation area and buffers shall be recorded on the property deed for the Wetland Mitigation Site. The deed shall clearly indicate that the wetland mitigation areas are "waters of the state". Documentation that this requirement has been fulfilled shall be provided to the Southwest Regional Office Federal Permit Coordinator as part of the "as-built" report.

#### **D. Wetland Mitigation Reporting Conditions:**

1. A detailed "As Built" report shall be prepared after construction showing any variances from the final mitigation plan. The "As-Built" shall be the baseline

document used for all future monitoring of the mitigation project. It shall include but not be limited to:

- comments from a wetland specialist present on site during mitigation construction;
- final site plan showing site topography (both site plan view and typical sections) and clearly indicating the mitigation site boundary;
- photographs of the area taken from permanent photo points which will be designated on the site plan;
- the installed planting scheme showing densities, sizes, and approximate locations of plants as well as plant sources and time of planting; and,
- an analysis of any changes to the mitigation plan that occurred during construction.
- demonstration that the mitigation areas have been successfully established and that the "Additional Measures" have been implemented.
- documentation that the wetland mitigation area and buffers have been recorded on the property deed for the Wetland Mitigation Site.

Two copies of the "as-built" report and drawings shall be sent to Ecology's Southwest Regional Federal Permit Coordinator within 60 days of completing construction and planting, and in no case later than December 31, 2008.

2. Two copies of the mitigation monitoring reports shall be submitted to Ecology by December 31 of each monitoring year for years 1, 2, 3, 5, 7, 8, and 10 and as further described in the *Revised Wetland Mitigation and Monitoring Plan* for the Rail Upgrade Project, Trans Alta Centralia Mining LLC dated May 2007.

#### **E. Construction Conditions:**

1. During project construction the Applicant shall comply with all stormwater requirements within the current NPDES Construction Stormwater General Permit issued for this project.
2. The project area shall be clearly marked/staked prior to construction. Prior to clearing and grading any sensitive areas to remain undisturbed shall be protected from construction impacts. Sensitive areas and buffers that are to be protected from disturbance shall be clearly marked with bright orange construction fencing so as to be clearly visible to equipment operators. Clearing limits, travel corridors and stockpile sites shall be clearly marked. All project staff shall be trained to recognize construction fencing or flagging that identifies wetland boundaries. Equipment shall not be moved into or operated in wetlands or stream channels that are not authorized to be altered. Equipment shall enter and operate only within the marked clearing limits, corridors and stockpile areas.

3. Appropriate Best Management Practices (BMP's) shall be implemented to minimize track-out during construction.
4. All work in or near waters of the state shall be done in a manner that minimizes turbidity, erosion, and other water quality impacts.
5. Construction stormwater, sediment and erosion control Best Management Practices suitable to prevent exceedences of state water quality standards (*e.g.*, a perimeter erosion control silt fence, etc.) shall be in place prior to the start of project construction and shall be maintained throughout construction until the site is stabilized.
6. All debris or deleterious material resulting from construction shall be properly contained and disposed of so that it cannot enter waters of the state.
7. Turbid water generated from construction activities, including turbid de-watering water, shall not be discharged directly to waters of the state, including wetlands. Turbid water shall be routed to an upland location to allow removal of fine sediment and other contaminants. Clean dewatering water that has been tested and confirmed to meet water quality standards may be discharged directly to waters of the state. The discharge outfall method shall be designed and operated so as not to cause erosion or scour in state waters, banks, or vegetation.
8. Machinery and equipment used during construction shall be serviced, fueled, and maintained on uplands in order to prevent contamination to surface waters. All fueling areas shall be provided with adequate spill containment. Fueling equipment and vehicles within 50 feet of state waters and wetlands is not allowed.
9. The Applicant shall establish a separate contained area for washing down vehicles and equipment, which does not have any possibility of draining to surface waters and wetlands. Wash water containing sediments, oils, grease, or other hazardous materials resulting from wash down of the work area, tools, and equipment including concrete delivery trucks or other equipment used for concrete work shall not be discharged into state waters or storm drains.
10. No existing shoreline material (*i.e.*, logs, rocks, gravel cobbles, woody debris, or other bed material) shall be relocated or used as bulkhead armor, as fill, or for any other purpose except that bed material located exactly where new pilings and footings are to be placed may be relocated.
11. All excess excavated material shall be disposed of above the 100-year floodplain and shall be contained so as to prevent its re-entry into waters of the state.

**F. Timing:**

1. This Order is valid until all compliance requirements in this document have been met.

**G. Notification Conditions:**

1. The Applicant shall provide written notification (FAX, e-mail or mail) to Ecology's Southwest Regional Office Federal Permit Coordinator in writing at least three (3) days prior to the start of construction at the project site.
2. The Applicant shall provide written notification to Ecology's Southwest Regional Office Federal Permit Coordinator in writing within fourteen (14) days after completion of construction.

**NOTE:** These notifications shall include the Applicant's name, project name, Order No. 4212, Corps Reference No. 200600278, project location, contact and contact's phone number.

**H. Emergency/Contingency Measures:**

1. The Applicant shall develop and implement a Spill Prevention and Containment Plan for all aspects of 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.
  - f. Submit a detailed written report to Ecology's Federal Permit Coordinator 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.

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.

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. 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's Southwest Regional Spill Response Office at 360 407-6300.

#### **I. 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 1 JUNE 2007 at Lacey, Washington.



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Perry J Lund, Unit Supervisor  
Shorelands and Environmental Assistance Program  
Department of Ecology, Southwest Regional Office  
State of Washington

**Attachment # A**

Tran Alta Corporation  
Rail Upgrade Project  
Water Quality Certification Order # **4212**  
Statement of Understanding  
Water Quality Certification Conditions

I, \_\_\_\_\_, state that, I will be involved as an agent or contractor for the Trans Alta Corporation in the construction of the Trans Alta Rail Upgrade located west of the Trans Alta Centralia Generation Plant, approximately 1,000 feet east of the plant entrance road at 913 Big Hanaford Road, Centralia, Lewis County, Washington. I further state that I have read and understand the relevant conditions of the Washington Department of Ecology Water Quality Certification Order #**4212** and the applicable permits and approvals referenced therein which pertain to the project-related work for which I am responsible.

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date

\_\_\_\_\_  
Title

\_\_\_\_\_  
Phone

\_\_\_\_\_  
Company

