STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY
PO Box 47600 • Olympia, WA 98504-7600 • 360-407-6000
711 for Washington Relay Service • Persons with a speech disability can call 877-833-6341

February 3, 2014

Joyce E. Casey
U.S. Army Corps of Engineers, Portland District
P.O. Box 2946
Portland, OR 97204-3495

RE: Water Quality Certification – Order #10499, Dalles Shoal Dredge project in Dallesport, Klickitat County, Washington

Dear Ms. Casey:

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 Kerry Carroll at (360) 407-7503.

Sincerely,

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

by Certified Mail 7010 2780 0000 2503 3808

Enclosures

cc: Gretchen Smith, Corps

ecc: Loree' Randall, Ecology (SEA)
Laura Inouye, Ecology (SEA)
Ray Latham, Ecology (CRO)
ecyrefedpermits@ecy.wa.gov

IN THE MATTER OF GRANTING A WATER QUALITY CERTIFICATION TO U.S. Army Corps of Engineers in accordance with 33 U.S.C. 1341 (FWPCA § 401), RCW 90.48.120, RCW 90.48.260 and Chapter 173-201A WAC	)))))))	**ORDER #10499** Dredge within the Columbia River near the Dalles Dam approach to the navigation locks in Dallesport, Klickitat County, Washington

TO: United States Army Corps of Engineers, Portland District
Attn: Joyce Casey
P.O. Box 2946
Portland, OR 97204-3495

On January 21, 2014 the Corps submitted a Joint Aquatic Resources 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 Ecology for the above-referenced project pursuant to the provisions of Chapter 173-225 WAC on January 27, 2014.

The project is proposing to dredge the shoal at river mile 191.5 of the Columbia River due to safety and environmental concerns. Approximately 5,000 cubic yards of material is proposed to be dredged. The dredged material will be place in a deep scour hole of the Columbia River Federal Navigation Channel flowlane at river mile 190.7.

AUTHORITIES:

In exercising authority under 33 U.S.C. § 1341, 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, 302, 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 meet the 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. In this Order, the term "Applicant" shall mean the Army Corps of Engineers, Portland District (Corps) and its agents, assignees and contractors.

2. All submittals required by its conditions shall be sent to Ecology's Headquarters Office, Attn: 401/CZM Federal permit coordinator, P.O. Box 47600 Olympia, WA 98504-7600 and/or Kerry.Carroll@ecy.wa.gov. All submittals shall reference Order #10499.

3. All notifications listed below shall be made via phone to name of Kerry Carroll, 360-407-7503, or e-mail at Kerry.Carroll@ecy.wa.gov. These notifications shall be identified with Order # 10499 and include the Applicant's name, the project contact, and the contact's phone number.

    a. At least three (3) days prior to conducting initial in-water work activities for each in-water work window.
    b. Within at least seven (7) days after completion of the in-water work.

4. Work authorized by this Order is limited to the work described in the Joint Aquatic Resources Permit Application (JARPA) received by Ecology on January 21, 2014, unless otherwise authorized by Ecology.

5. The Applicant shall obtain Ecology review and approval before undertaking any changes to the proposed project that might significantly and adversely affect water quality, other than those project changes required by this Order..

6. 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.

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 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. Furthermore, Ecology retains continuing jurisdiction to make modifications hereto through supplemental order, if additional impacts due to project construction or operation are identified 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 (including wetlands) or related aquatic resources, except as specifically provided for in conditions of this Order.

12. Failure of any person or entity to comply with this Order may result in the issuance of civil penalties or other actions, whether administrative or judicial, to enforce its terms.

B. Water Quality Conditions:

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

    - The area of mixing established for the Columbia River waters in this area is 300 ft downstream from the in-water activity. Turbidity occurring outside that zone that is more than 5 nephelometric turbidity units (NTU) over background when the background is 50 NTU or less, or a 10% increase in turbidity when the background turbidity is more than 50 NTU is a violation of the turbidity water quality standard.

- Visible turbidity anywhere at 300 ft point of compliance from the activity and/or the disposal location shall be considered to be an exceedance of the standard.

C. Water Quality Monitoring

1. The Applicant shall visually monitor water quality for turbidity and include, at a minimum, the following information in the monitoring report:

    a. Name and contact information of the person responsible for monitoring.
    b. The 401/CZM Federal permit coordinator shall be contacted within 24 hours if an exceedance occurs.
    c. If an exceedence occurs, steps taken to come back into compliance and the reason for the exceedance.

2. Turbidity monitoring report shall be sent **within two (2) days** of the end of the project to the 401/CZM Federal permit coordinator.

D. Dredging and Disposal Conditions:

1. A **Dredging Plan** shall be submitted to Ecology's 401/CZM Federal Permit Coordinator at the address shown in Condition A.2 for review and approval at least **five (5) days prior to the dredge.**

2. All dredging is to be done using a barge mounted crane or excavator fitted with a clamshell bucket. **Use of any other type of dredge requires pre approval from Ecology.**

3. All dredged material will be disposed using a bottom scow and placed in a deep scour hole of the Columbia River Federal Navigation Channel flowlane. **Use of any other type of disposal method or location requires pre approval by Ecology.**

4. All debris (larger than two (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.

5. 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.

6. During dredging, the Applicant shall have a boat available on site at all times to retrieve debris from the water.

7. Dredge prisms shall be designed to minimize sloughing and maintain stable side slopes in order to reduce erosion caused by deepening.

8. If daily inspections of dredged material indicate presence of juvenile salmonids, crane operations/hydraulic dredging will be adjusted (slowed) to increase opportunity for juveniles to avoid the dredge.

9. The scow shall not be overfilled to the point where dredge material overtops the sidewalls.

10. Caution shall be used when placing material from the bucket into the scow to limit splash and prevent spillage.

11. The Dredge operator shall pause the bucket at the surface after its ascent through the water column to minimize turbidity by allowing free water to drain from the bucket prior to swinging the bucket to the bottom dump scow.

E. Timing Requirements:

1. All in-water work shall be completed by February 28, 2014.

2. This Order shall expire on March 1, 2014.

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, 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 permit coordinator at (360) 407-7503.
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.

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 using the phone numbers above.

YOUR RIGHT TO APPEAL

You have a right to appeal this Order to the Pollution Control Hearing Board (PCHB) within 30 days of the date of receipt of this Order. The appeal process is governed by Chapter 43.21B RCW and Chapter 371-08 WAC. "Date of receipt" is defined in RCW 43.21B.001(2).

To appeal you must do all of the following within 30 days of the date of receipt of this Order:

- File your appeal and a copy of this Order with the PCHB (see addresses below). Filing means actual receipt by the PCHB during regular business hours.
- Serve a copy of your appeal and this Order on Ecology in paper form - by mail or in person. (See addresses below.) E-mail is not accepted.

You must also comply with other applicable requirements in Chapter 43.21B RCW and Chapter 371-08 WAC.

ADDRESS AND LOCATION INFORMATION

Street Addresses	Mailing Addresses
Department of Ecology Attn: Appeals Processing Desk 300 Desmond Drive SE Lacey, WA 98503	**Department of Ecology** Attn: Appeals Processing Desk PO Box 47608 Olympia, WA 98504-7608
Pollution Control Hearings Board 1111 Israel RD SW STE 301 Tumwater, WA 98501	**Pollution Control Hearings Board** PO Box 40903 Olympia, WA 98504-0903

CONTACT INFORMATION

Please direct all questions about this Order to:

Kerry Carroll
Department of Ecology, HQ
P.O. Box 46700
Olympia, WA 98504-7600
360-407-7503
Kerry.Carroll@ecy.wa.gov

MORE INFORMATION

Pollution Control Hearings Board Website
www.eho.wa.gov/Boards_PCHB.aspx

Chapter 43.21B RCW - Environmental and Land Use Hearings Office – Pollution Control Hearings Board
http://apps.leg.wa.gov/RCW/default.aspx?cite=43.21B

Chapter 371-08 WAC – Practice And Procedure
http://apps.leg.wa.gov/WAC/default.aspx?cite=371-08

Chapter 34.05 RCW – Administrative Procedure Act
http://apps.leg.wa.gov/RCW/default.aspx?cite=34.05

Chapter 90.48 RCW – Water Pollution Control
http://apps.leg.wa.gov/RCW/default.aspx?cite=90.48

Chapter 173.204 WAC – Sediment Management Standards
www.ecy.wa.gov/biblio/wac173204.html

Chapter 173-200 WAC – Water Quality Standards for Ground Waters of the State of Washington
www.ecy.wa.gov/biblio/wac173200.html

Chapter 173-201A WAC – Water Quality Standards for Surface Waters of the State of Washington
www.ecy.wa.gov/biblio/wac173201A.html

SIGNATURE

DATED February 3, 2014 at Olympia, Washington.

Brenden McFarland, Section Manager
Shorelands & Environmental Assistance Program
HQ Office – Ecology
State of Washington

ATTACHMENT A

U.S. Army Corps of Engineers, Portland District
Dalles Dam Shoal Dredge Project
Water Quality Certification Order #10499

Statement of Understanding of
Water Quality Certification Conditions

I have read and understand the conditions of Order #10499 Section 401 Water Quality Certification for the Dalles Dam Shoal Dredge Project. I have also read and understand all permits, plans, documents, and approvals associated with the project referenced in this order.

_____ _____
Signature Date

_____
Print Name

_____
Company

_____
Title