



STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY

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June 29, 2021

US Coast Guard
ATTN: William Robinson
322 Coast Guard Road
Ilwaco, WA 98624

RE: Water Quality Certification Order No. **20136** for Corps Reference No. **NWS-2021-00246**, USCG Station Cape Disappointment, Baker Bay, Pacific County, Washington.

Dear William Robinson:

On March 15, 2021, the US Coast Guard (USCG) submitted a request for a Section 401 Water Quality Certification (WQC) under the federal Clean Water Act for the USCG Station Cape Disappointment Maintenance Dredge, Pacific County, Washington. However, the Department of Ecology did not consider the request valid until April 8, 2021 when all the necessary information was submitted.

On behalf of the state of Washington, the Department of Ecology certifies that the work described in the Section 401 Request and supporting documents complies with applicable provisions of Sections 301, 302, 303, 306, and 307 of the Clean Water Act, as amended, and applicable state laws. This WQC is subject to the conditions contained in the enclosed Order.

Please ensure that anyone doing work under this Order has read, is familiar with, and is able to follow all of the provisions within the attached Order.

If you have any questions about this decision, please contact Laura Inouye at (360) 515-8213. The enclosed Order may be appealed by following the procedures described within the Order.

Sincerely,

A handwritten signature in blue ink, appearing to read "Brenden", is written over a horizontal line.

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

USCG Cape Disappointment NWS-2021-00246, WQC#20136
June 29, 2021
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Enclosure

e-cc: Evan Carnes, Corps of Engineers
Loree' Randall, Ecology, HQ SEA
ECY RE FEDPERMITS

IN THE MATTER OF GRANTING A) ORDER # 20136
WATER QUALITY) Corps Reference No. NWS-2021-00246
CERTIFICATION TO) USCG Station Cape Disappointment
United States Coast Guard) Maintenance Dredge, Pacific County,
pursuant to 33 U.S.C. 1341 (FWPCA) Washington.
§ 401), RCW 90.48.120, RCW 90.48.260)
and Chapter 173-201A WAC)

United States Coast Guard
ATTN: Will Robinson
322 Coast Guard Road
Ilwaco, WA 98624

On February 10, 2021, the United States Coast Guard (USCG) submitted a pre-filing meeting request to the Department of Ecology (Ecology). The USCG then on March 15, 2021, submitted a request for a Section 401 Water Quality Certification (WQC) under the federal Clean Water Act for the USCG Station Cape Disappointment Maintenance Dredge, Pacific County, Washington. The Department of Ecology considered the request valid on April 8, 2021. The U.S. Army Corps of Engineers (Corps) issued a joint public notice with Ecology on April 8, 2021.

The proposed work consists of dredging of up to 20,000 cubic yards of accreted sediment from the U.S. Coast Guard Station Cape Disappointment mooring basin. Up to 4,000 cubic yards of sediment would be dredged initially, and up to an additional 16,000 cubic yards over a 10-year period. The proposed dredging would maintain operational depths of the mooring basin to a target depth of -10 feet Mean Lower Low Water (MLLW) with a 2-foot over dredge allowance to -12 feet MLLW. Dredging would occur via hydraulic suction dredge or clamshell dredge from a barge-mounted crane. Dredged material disposal is not covered under this certification, since proposed disposal is in Oregon (flow lane of the Columbia River at the Baker Bay Flowlane Disposal or Flowlane Area D).

The project is located within the Baker Bay and Columbia River in section 9, Township 9N, range 11W, in WRIA No. 24 (Willapa).

AUTHORITIES

In exercising authority under 33 U.S.C. § 1341, RCW 90.48.120, and RCW 90.48.260, Ecology has reviewed this WQC request 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;
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;

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; and,
4. Conformance with Washington’s prohibition on discharges that cause or tend to cause pollution of waters of the state of Washington. RCW 90.48.080.

With this Water Quality Certification (WQC) Order, Ecology is granting with conditions, the USCG’s request for a Section 401 Water Quality Certification for the USCG Cape Disappointment Station Dredging project. Ecology has determined that the proposed discharges will comply with all applicable state water quality requirements, provided the project is conducted in accordance with the Section 401 Water Quality Certification Request Ecology received on March 15, 2021, and the supporting documentation referenced in the Table 1 below, **and the conditions of this Order.**

Table #1 – Supporting Documentation Received

Date Received	Document Type	Title & Date	Author
February 26, 2021	Biological Evaluation	<i>Draft Environmental Assessment for Proposed Maintenance Dredging at Coast Guard Station Cape Disappointment, Pacific County, Washington, dated February 2021</i>	Wood Environmental
March 15, 2021	Joint Aquatic Resource Permit Application (JARPA)	<i>Washington State Joint Aquatic Resources Permit Application (JARPA) Form, signed February 25, 2021</i>	William Robinson, USCG
March 15, 2021	Suitability Determination	<i>Suitability Determination Memorandum and Antidegradation Assessment for Maintenance Dredging at U.S. Coast Guard Station Cape Disappointment in Ilwaco, Washington (NWS-2021-246), dated March 10, 2021</i>	DMMP
April 4, 2021	SEPA	<i>Notice of Application, Final SEPA Determination of Non-significance, Substantial Shoreline Development Conditional Use, dated March 31, 2021</i>	Zane Johnson, Pacific County

April 5, 2021	Joint Public Notice	<i>Joint Public Notice, Application for a Department of the Army Permit and a Washington Department of Ecology Water Quality Certification and Coastal Zone Management Consistency Concurrence</i>	USACE
April 9, 2021 initial version, revised April 30, 2021 and on May 5, 2021. Final submitted May 5, 2021	Water Quality Monitoring Plan	Final Water Quality Monitoring Protection Plan for Dredging at United States Coast Guard Station Cape Disappointment, dated April 19, 2021	Wood Environmental
April 15, 2021, initial version; final submitted June 21, 2021	Eelgrass Mitigation Plan	<i>Eelgrass Mitigation and Monitoring Plan, USCG Station Cape Disappointment Maintenance Dredging Project, Pacific County, Washington, dated June 2021</i>	Merkel and Associates

Issuance of this Section 401 Water Quality Certification for this proposal does not authorize the USCG to exceed applicable state water quality standards (Chapter 173-201A WAC), ground water quality standards (Chapter 173-200 WAC) or sediment quality standards (Chapter 173-204 WAC). Furthermore, nothing in this Section 401 Water Quality Certification absolves the USCG from liability for contamination and any subsequent cleanup of surface waters, ground waters, or sediments resulting from project construction or operations.

A. General Conditions

Clean Water Act (CWA) Section 401 certification is granted with conditions to the USCG. Ecology has determined that any discharge from the proposed project will comply with water quality requirements, as defined by 40 CFR 121.1(n), subject to the following conditions pursuant to Section 33 USC §1341(d). Additionally, the following conditions shall be incorporated into the Corps permit and strictly adhered to by the USCG. This WQC 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 WQC Order.

Specific condition justifications and citations required by 40 CFR 121.7(d)(1) are provided below each condition in *italic text*.

1. In this WQC Order, the term “Project Proponent” shall mean the USCG and its agents, assignees, and contractors.
 - *Justification – Ecology needs to identify that conditions of this WQC Order apply to anyone conducting work on behalf of the Project Proponent to ensure compliance with the water quality standards and other applicable state laws.*
 - *Citation – 40 CFR 121.1(j), Chapter 90.48 RCW, Chapter 90.48.080 RCW, Chapter 90.48.120 RCW, Chapter 90.48.260 RCW, Chapter 173-200 WAC, Chapter 173-201A WAC, and Chapter 173-225-010 WAC.*
2. All submittals required by this WQC Order shall be sent to Ecology Headquarters Office, Attn: Federal Permit Manager, via e-mail to fednotification@ecy.wa.gov and cc to laura.inouye@ecy.wa.gov. The submittals shall be identified with Order #20136 and include the Project Proponent’s name, Corps reference number, project name, project contact, and the contact phone number.
 - *Justification – Ecology needs to identify where information and submittals are to be submitted to be in compliance with the requirements of this WQC Order.*
 - *Citation – 40 CFR 121, Chapter 90.48 RCW, Chapter 90.48.120 RCW, Chapter 90.48.260 RCW, Chapter 173-201A WAC, and Chapter 173-225-010 WAC.*
3. Work authorized by this WQC Order is limited to the work described in the WQC Request package received by Ecology on March 15, 2021, and the supporting documentation identified in Table 1 above.
 - *Justification – Ecology has the authority to prevent and control pollution of state waters. By authorizing a discharge into a water of the state, through a WQC, Ecology is certifying the project as proposed will not negatively impact our state’s water quality. Therefore, it is imperative the project is conducted as it was presented during the review process. Any deviations from information within the WQC Request package and this WQC Order must be disclosed prior to the initiation of the planned work.*
 - *Citation – 40 CFR 121, Chapter 90.48 RCW, Chapter 90.48.030 RCW, Chapter 90.48.120 RCW, Chapter 90.48.260 RCW, Chapter 173-200 WAC, Chapter 173-201A WAC, Chapter 173-204 WAC, and Chapter 173-225-010 WAC.*
4. The Project Proponent shall send (per condition A.2 above) a copy of the final Corps permit to Ecology’s Federal Permit Manager within two weeks of receiving it.
 - *Justification - This condition is needed to verify that the Corps completed the permit process and an authorization has been issued. Additionally, it allows Ecology to ensure that all of the conditions of this WQC Order have been incorporated into the Corps Permit to protect water quality.*
 - *Citation – 40 CFR 121.10, Chapter 90.48 RCW, Chapter 90.48.260 and Chapter 173-201A.*
5. The Project Proponent shall keep copies of this WQC Order 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.

- *Justification – All parties (including on-site contractors) must be aware of and comply with the WQC Order for the protection of water quality.*
 - *Citation – 40 CFR 121.3, Chapter 90.48 RCW, Chapter 90.48.030 RCW, Chapter 173-201A WAC, and Chapter 173-225-010 WAC.*
6. The Project Proponent needs to provide access to the project site and all mitigation sites upon request by Ecology personnel for site inspections, monitoring, and/or necessary data collection, to ensure that conditions of this Order are being met.
- *Justification - Ecology must be able to investigate and inspect construction sites and facilities for compliance with all state rules and laws.*
 - *Citation - Chapter 90.48 RCW, Chapter 90.48.030 RCW, Chapter 90.48.090 RCW, Chapter 173-201A WAC, and Chapter 173-225-010 WAC.48*
7. The Project Proponent shall ensure that all project engineers, contractors, and other workers at the project site with authority to direct work have read and understand relevant conditions of this Order and all permits, approvals, and documents referenced in this Order. The Project Proponent shall provide Ecology a signed statement (see Attachment A for an example) from each signatory that s/he has read and understands the conditions of this Order and the above-referenced permits, plans, documents and approvals. These statements shall be provided to Ecology before construction begins.
- *Justification - Ecology needs to ensure that anyone conducting work at the project, on behalf of the Project Proponent, are aware of and understand the required conditions of this WQC Order to ensure compliance with the water quality standards and other applicable state laws.*
 - *Citation – 40 CFR 121.1(j), Chapter 90.48 RCW, Chapter 90.48.030 RCW, Chapter 173-201A WAC, and Chapter 173-225-010 WAC.*
8. 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.
- *Justification - Ecology has the authority to prevent and control pollution of state waters, and to protect designated uses. By authorizing a discharge into a water of the state, through a water quality certification, we are certifying the project as proposed will not negatively impact our state's water quality and will comply with the state's water quality requirements. Therefore, it is imperative the project is conducted as it was presented during the review process, and as conditioned herein.*
 - *Citation - Chapter 90.48 RCW, Chapter 90.48.030 RCW, Chapter 173-201A WAC, Chapter 173-201A-300(2)(e)(i) WAC, Chapter 173-201A-310 WAC, Chapter 173-204-120 WAC, and Chapter 173-225-010 WAC.*
9. Failure of any person or entity to comply with the WQC Order may result in the issuance of civil penalties or other actions, whether administrative or judicial, to enforce the terms of this Order.
- *Justification - Ecology must protect waters of the state from all discharges and potential discharges of pollution that can affect water quality to protect aquatic life*

and beneficial uses; civil penalties and other enforcement actions are the primary means of securing compliance with water quality requirements.

- *Citation – Chapter 90.48 RCW, Chapter 90.48.030 RCW, Chapter 90.48.037 RCW, Chapter 90.48.080 RCW, Chapter 90.48.120 RCW, Chapter 90.48.142 RCW, Chapter 90.48.144 RCW, and Chapter 173-225-010 WAC.*

B. Notification Requirements

1. The following notification shall be made via phone or e-mail (e-mail is preferred) to Ecology's Federal Permit Manager via e-mail to fednotification@ecy.wa.gov and cc to Laura.Inouye@ecy.wa.gov. Notifications shall be identified with Order #20136 and include the Project Proponent's name, Corps reference #, project name, project location, project contact and the contact's phone number.
 - a. Immediately following a violation of state water quality standards or when the project is out of compliance with any of this Orders conditions.
 - b. At least ten (10) days prior to all pre-construction meetings
 - c. At least ten (10) days prior to conducting initial in-water work activities for each in-water work window.
 - d. At least seven (7) days within each in-water work window.
 - *Justification - Ecology must be aware of when a project starts and ends and whether there are any issues. This allows Ecology to evaluate compliance with the state water quality requirements.*
 - *Citation – Chapter 90.48 RCW, Chapter 90.48.030 RCW, Chapter 173-201A WAC, Chapter 173-201A-300–330 WAC, Chapter 173-204 WAC, and Chapter 173-225-010 WAC.*
2. In addition to the phone or e-mail notification required under B.1.a. above, the Project Proponent shall 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.
 - *Justification - Ensure the Project Proponent remains in full compliance with state water quality requirements for the duration of the project.*
 - *Citation – Chapter 90.48 RCW, Chapter 90.48.120 RCW, Chapter 173-201A WAC, and Chapter 173-225-010 WAC.*

C. Timing

1. This Order will expire on June 29, 2031.
 - *Justification – Certifications are required for any license or permit that authorizes an activity that may result in a discharge. Ecology needs to be able to specify how long the WQC Order will be in effect.*
 - *Citation – 40 CFR 121 and Chapter 173-225-010 WAC.*
2. In-water work shall be conducted between November 1 and February 15 of any year.

- *Justification – This condition is reaffirming the project will take place during a time period that will not harm fish or other aquatic species.*
 - *Citation – Chapter 77.55 RCW, Chapter 90.48 RCW, Chapter 90.48.030 RCW, Chapter 90.48.080 RCW, Chapter 173-201A WAC, Chapter 173-201A-300 WAC, Chapter 173-201A-330 WAC, Chapter 173-225-010 WAC, and Chapter 220-660 WAC.*
3. Any project change that requires a new or revised Hydraulic Project Approval (HPA) from the Department of Fish and Wildlife should be sent to Ecology for review.
- *Justification - This condition is requiring notification of any project changes to ensure the project meet's the state's Water Quality Standards. Additionally, an HPA may include additional BMPs that Ecology needs to be aware of.*
 - *Citation – Chapter 77.55 RCW, Chapter 90.48 RCW, Chapter 90.48.030 RCW, Chapter 90.48.080 RCW, Chapter 173-201A WAC, Chapter 173-201A-300 WAC, Chapter 173-201A-330 WAC, Chapter 173-225-010 WAC, and Chapter 220-660 WAC.*

D. Water Quality Monitoring & Criteria

1. This Order does not authorize the Project Proponent to exceed applicable turbidity standards beyond the limits established in WAC 173-201A-210(1)(e)(i).
 - *Justification – This condition provides citation to the appropriate water quality standard criteria to protect surface waters of the state. Ecology must protect waters of the state from all discharges and potential discharges of pollution that can affect water quality to protect aquatic life and beneficial uses.*
 - *Citation – Chapter 90.48 RCW, Chapter 90.48.030 RCW, Chapter 90.48.080 RCW, Chapter 173-201A WAC, Chapter 173-201A-300–330 WAC, Chapter 173-204-120 WAC, and Chapter 173-225-010 WAC.*
2. The Project Proponent shall conduct water quality monitoring as described in the approved *Final Water Quality Monitoring Protection Plan for Dredging at United States Coast Guard Station Cape Disappointment* (hereafter referred to as the WQMP) prepared by Wood Environmental dated April 19, 2021.
 - *Justification – This condition is necessary to ensure that the monitoring as proposed by the Project Proponent and authorized by Ecology is conducted to protect water quality. Ecology must protect waters of the state from all discharges and potential discharges of pollution that can affect water quality to protect aquatic life and beneficial uses.*
 - *Citation – Chapter 90.48 RCW, Chapter 90.48.030 RCW, Chapter 90.48.080 RCW, Chapter 173-201A WAC, Chapter 173-201A-300–330 WAC, Chapter 173-204-120 WAC, and Chapter 173-225-010 WAC.*
3. Monitoring results shall be submitted weekly to the Ecology Federal Permit Manager, per condition A.2.

- *Justification – This information is necessary for Ecology to determine if the project was implemented as approved by the WQC Order and that no adverse impacts to water quality or beneficial uses occurred.*
 - *Citation – Chapter 90.48 RCW, Chapter 90.48.030 RCW, Chapter 90.48.080 RCW, Chapter 173-201A WAC, Chapter 173-201A-300–330 WAC, Chapter 173-204-120 WAC, and Chapter 173-225-010 WAC.*
4. Visible turbidity anywhere beyond the temporary area of mixing (point of compliance) from the activity shall be considered an exceedance of the standard.
- *Justification – This condition specifically informs the Project Proponent of when they would be out of compliance with the water quality standards and an obvious sign of water quality degradation. Ecology must protect waters of the state from all discharges and potential discharges of pollution that can affect water quality to protect aquatic life and beneficial uses.*
 - *Citation – Chapter 90.48 RCW, Chapter 90.48.030 RCW, Chapter 90.48.080 RCW, Chapter 173-201A WAC, Chapter 173-201A-300–330 WAC, Chapter 173-204-120 WAC, and Chapter 173-225-010 WAC.*
5. If water quality exceedances for turbidity are observed outside the point of compliance, the Project Proponent or the contractor shall assess the cause of the water quality problem and take immediate action to modify or stop, contain, and correct the problem and prevent further water quality turbidity exceedances.
- *Justification – Ecology must protect waters of the state from all discharges and potential discharges of pollution and know if there are exceedances of the water quality standards that protect aquatic life and beneficial uses.*
 - *Citation – Chapter 90.48 RCW, Chapter 90.48.030 RCW, Chapter 90.48.080 RCW, Chapter 173-201A WAC, Chapter 173-201A-300–330 WAC, Chapter 173-204-120 WAC, and Chapter 173-225-010 WAC.*

E. Dredging and Disposal

1. All dredging is to be done using a mechanical or hydraulic dredge.
- *Justification – Ecology has reviewed the project and the BMPs for a specific type of dredging. Changes to the dredging method would require different BMPs. If new dredging methods are proposed, a new WQC pre-filing meeting request, followed by a new WQC request (after requisite 30-days) is required.*
 - *Citation – 40 CFR 121, Chapter 90.48 RCW, Chapter 90.48.030 RCW, Chapter 90.48.080 RCW, Chapter 90.52-040 RCW, Chapter 90.54.020(2)(b) RCW, Chapter 173-201A WAC, Chapter 173-201A-240(5)(b) WAC, and Chapter 173-204-400(2).*
 - This WQC Order does not authorize dredge material to be disposed within Washington's waters. If the disposal location changes and disposal in Washington waters is needed the Project Proponent must request a new WQC from Ecology. *Justification – The Project Proponent and the Corps public notice indicates that all material will be disposed of in Oregon. Ecology has the right to review the project*

and the BMPs for a specific type of disposal technique and disposal location. If different in-water disposal sites are proposed, a new WQC pre-filing meeting request, followed by a new WQC request (after requisite 30-days) is required.

- *Citation – 40 CFR 121, Chapter 90.48 RCW, Chapter 90.48.030 RCW, Chapter 90.48.080 RCW, Chapter 90.52-040 RCW, Chapter 90.54.020(2)(b) RCW, Chapter 173-201A WAC, Chapter 173-201A-240(5)(b) WAC, and Chapter 173-204-400(2).*
2. Dredging operations shall be conducted in a manner that minimizes the disturbance and siltation of adjacent waters and prevents the accidental discharge of petroleum products, chemicals or other toxic or deleterious substances into state waters.
 - *Justification – Ecology must protect waters of the state from all discharges and potential discharges of pollution that can affect water quality to protect aquatic life and beneficial uses.*
 - *Citation – Chapter 90.48 RCW, Chapter 90.48.030 RCW, Chapter 90.48.080 RCW, Chapter 90.56 RCW, Chapter 173-201A WAC, Chapter 173-201A-300–330 WAC, Chapter 173-204-120 WAC, Chapter 173-225-010 WAC.*
 3. Dredged material shall not be temporarily or permanently stockpiled below the OHWM.
 - *Justification – Stockpiles below the OHWM can discharge excess sediment to waters of the state and degrade water quality. Ecology must protect waters of the state from all discharges and potential discharges of pollution that can affect water quality to protect aquatic life and beneficial uses.*
 - *Citation – Chapter 90.48 RCW, Chapter 90.48.030 RCW, Chapter 90.48.080 RCW, Chapter 173-201A WAC, Chapter 173-201A-300–330 WAC, Chapter 173-204-120 WAC, and Chapter 173-225-010 WAC.*
 4. All debris larger than two (2) feet in any dimension floating in the dredging area shall be removed.
 - *Justification – Ecology must be assured that the Project Proponent is managing of the debris and dredged material to protect waters of the state from all discharges and potential discharges of pollution that can affect water quality to protect aquatic life and beneficial uses.*
 - *Citation – Chapter 90.48 RCW, Chapter 90.48.030 RCW, Chapter 90.48.080 RCW, Chapter 173-201A WAC, Chapter 173-201A-300–330 WAC, Chapter 173-204-120 WAC, and Chapter 173-225-010 WAC.*
 5. The *Dredging and Disposal Workplan* (Workplan) shall include the following:
 - a. General information including schedule, primary contact, and hours of operation
 - b. Dredged quantities and disposal location.
 - c. Dredging procedures and sequence
 - d. Equipment list
 - e. A description of the BMPs to be used for dredging, dewatering, and disposal.
 - *Justification - Ecology has reviewed the project and the BMP prior to the contractor being brought on board, therefore we need to obtain specific information regarding dredging and disposal plan to ensure that the specific type of dredging, disposal*

technique and disposal location within the Workplan. This information will allow Ecology to ensure the project will comply with water quality standards. Also if there have been major changes to the original proposed dredging and disposal, work must not proceed and a new WQC pre-filing meeting request, followed by a new WQC request (after requisite 30-days) is required.

- *Citation – CFR 121, Chapter 70A-200 RCW, Chapter 77.55 RCW, Chapter 79.02.30040 RCW, Chapter 90.48 RCW, Chapter 90.48.030 RCW, Chapter 90.48.080 RCW, Chapter 90.52-040 RCW, Chapter 90.54.020(2)(b) RCW, Chapter 173-201A WAC, Chapter 173-201A-240(5)(b) WAC, Chapter 173-201A-300 WAC, Chapter 173-201A-330 WAC, Chapter 173-204-400(2) WAC, Chapter 173-225-010 WAC, and Chapter 220-660 WAC.*

6. A pre-dredge meeting is required to be convened prior to the start of dredging. A **Dredging and Disposal Workplan** (Workplan) shall be submitted to Ecology to the address shown in Condition A2 two weeks prior to the pre-dredge meeting.

- *Justification – Ecology would like to meet with the Project Proponent and contractor to go over the Workplan prior start of work to ensure that the plan reflects the project that has been authorized by this WQC Order. If there has been major changes work must not proceed and a new WQC pre-filing meeting request, followed by a new WQC request (after requisite 30-days) is required.*
- *Citation – CFR 121, Chapter 70A-200 RCW, Chapter 77.55 RCW, Chapter 79.02.30040 RCW, Chapter 90.48 RCW, Chapter 90.48.030 RCW, Chapter 90.48.080 RCW, Chapter 90.52-040 RCW, Chapter 90.54.020(2)(b) RCW, Chapter 173-201A WAC, Chapter 173-201A-240(5)(b) WAC, Chapter 173-201A-300 WAC, Chapter 173-201A-330 WAC, Chapter 173-204-400(2) WAC, Chapter 173-225-010 WAC, and Chapter 220-660 WAC.*

7. All dredging and disposal shall have a valid suitability determination prior to in-water work. This area ranks low in potential for contamination and the recency determination extends through October 2027. Contact the DMMO for a possible extension on this suitability determination.

- *Justification – The DMMP process confirms that material is suitable for in-water disposal and that the project meets state antidegradation regulations.*
- *Citation – Chapter 173-201A WAC, Chapter 173-201A-230 WAC, Chapter 173-201A-240(1) WAC, Chapter 173-201A-240(2) WAC, Chapter 173-204 WAC, Chapter 173-204-110–120 WAC, Chapter 173-204-400(2) WAC, Chapter 173-204-410(7) WAC, Chapter 173-204-350(d), and Chapter 173-225 WAC.*

8. Only approximately 4,000 cubic yards of dredged material is allowed for the initial dredge cycle, with a total maximum of 20,000 cy over the life of the certification. Note: If additional material needs to dredging and dispose of, a new WQC pre-filing meeting request, followed by a new WQC request (after requisite 30-days) is required.

- *Justification – The volume of material is limited to what was characterized under the DMMP process.*
 - *Citation – Chapter 173-201A WAC, Chapter 173-201A-230 WAC, Chapter 173-201A-240(1) WAC, Chapter 173-201A-240(2) WAC, Chapter 173-204 WAC, Chapter 173-204-110–120 WAC, Chapter 173-204-400(2) WAC, Chapter 173-204-410(7) WAC, Chapter 173-204-350(d), and Chapter 173-225 WAC.*
9. Barges shall not be allowed to ground-out during in-water construction.
- *Justification – This condition protects shallow water habitat from damage.*
 - *Citation – Chapter 173-201A-300(2)(e)(i) WAC, Chapter 173-201A-310 WAC, and Chapter 173-204-120 WAC.*
10. Barges shall be kept free of material that could be blown into the water.
- *Justification – Release of debris or garbage is considered polluting matter and prohibited from being discharged into waters of the state.*
 - *Citation – Chapter 90.48 RCW, Chapter 70A-200 RCW, and Chapter 79.02-300 RCW.*

F. Project Mitigation Conditions

1. The Project Proponent shall implement the *Mitigation Plan, the USCG Entrance Channel Dredging Project, Longview, Washington*, prepared by Maul Foster and Alongi, Inc., dated June 2021 [hereafter referred to as “Mitigation Plan”], or as modified by this Order.
 - *Justification – This condition is necessary to ensure that unavoidable physical alterations are properly mitigated for the protection of water quality and beneficial uses*
 - *Citation – Chapter 90.48 RCW, Chapter 90.48.030 RCW, Chapter 90.74 RCW, Chapter 90.74.005-040 RCW, Chapter 173-201A WAC, Chapter 173-201A-300 WAC, Chapter 173-201A-310 WAC, Chapter 173-204-120 WAC, Chapter 173-225-010 WAC, and Chapter 220-660 WAC.*
2. The Project Proponent shall submit any changes to the Mitigation Plan in writing to Ecology (see A2 prior to implementing the change. Please note that substantial changes could require a new WQC).
 - *Justification – Ecology must be able to understand the scope of changes to the Mitigation Plan to ensure that unavoidable physical alterations are properly mitigated for the protection of water quality and beneficial uses.*
 - *Citation – Chapter 90.48 RCW, Chapter 90.74 RCW, Chapter 90.74.005-040 RCW, Chapter 173-201A WAC, Chapter 173-201A-300(2)(e)(i) WAC, Chapter 173-201A-310 WAC, Chapter 173-204-120 WAC, and Chapter 173-225-010 WAC.*
3. The Project Proponent shall submit an As-Built Report per Condition A2 within 90 days of completion of transplanting, showing transplanting location, density, and describing any changes in related to the eelgrass mitigation components.

- *Justification – To ensure the mitigation was implemented as reviewed and authorized to provide commensurate water quality functions and beneficial uses lost as a result of the project.*
 - *Citation – Chapter 90.48 RCW, Chapter 90.48.030 RCW, Chapter 90.74 RCW, Chapter 90.74.005-040 RCW, Chapter 173-201A WAC, Chapter 173-201A-300(2)(e)(i) WAC, Chapter 173-201A-310 WAC, Chapter 173-204-120 WAC, and Chapter 173-225-010 WAC.*
4. The Project Proponent shall submit monitoring reports annually, by December 31 of each year, to Ecology (see A2) documenting eelgrass mitigation site conditions for years 1, 3, and 5. The reports shall include monitoring results for the eelgrass beds (spatial and plant metrics as defined in the Mitigation Plan) as well as a discussion on whether the performance standards are being met and contingency measures to be taken.
- *Justification – To ensure the mitigation was implemented as reviewed and authorized to provide commensurate water quality functions and beneficial uses lost as a result of the project.*
 - *Citation – Chapter 90.48 RCW, Chapter 90.48.030 RCW, Chapter 90.74 RCW, Chapter 90.74.005-040 RCW, Chapter 173-201A WAC, Chapter 173-201A-300 WAC, Chapter 173-201A-310 WAC, Chapter 173-204-120 WAC, and Chapter 173-225-010 WAC.*
5. If the Project Proponent has not met all conditions, including performance standards for the eelgrass mitigation site at the end of the monitoring period, the Project Proponent shall provide a plan for additional monitoring and/or additional mitigation.
- *Justification – To ensure the mitigation was implemented as reviewed and authorized to provide commensurate water quality functions and beneficial uses lost as a result of the project.*
 - *Citation – Chapter 90.48 RCW, Chapter 90.48.030 RCW, Chapter 90.74 RCW, Chapter 90.74.005-040 RCW, Chapter 173-201A WAC, Chapter 173-201A-300 WAC, Chapter 173-201A-310 WAC, and Chapter 173-225-010 WAC.*

G. Emergency/Contingency Measures

1. The Project Proponent shall develop and implement a spill prevention and containment plan for this project.
- *Justification – Ecology must ensure that the Project Proponent has a plan to prevent pollution from entering waterways. Ecology must protect waters of the state from all discharges and potential discharges of pollution that can affect water quality to protect aquatic life and beneficial uses.*
 - *Citation – Chapter 90.48 RCW, Chapter 90.48.030 RCW, Chapter 90.48.080 RCW, Chapter 90.56 RCW, Chapter 90.56.280 RCW, Chapter 173-201A WAC, Chapter 173-201A-300–330 WAC, Chapter 173-204-120 WAC, Chapter 173-225-010 WAC, and Chapter 173-303-145 WAC.*

2. The Project Proponent shall have adequate and appropriate spill response and cleanup materials available on site to respond to any release of petroleum products or any other material into waters of the state.
 - *Justification – Ecology must have assurance that the Project Proponent has the material readily available in order to address any spills that might occur to protect waters of the state. Ecology must protect waters of the state from all discharges and potential discharges of pollution that can affect water quality to protect aquatic life and beneficial uses.*
 - *Citation – Chapter 90.48 RCW, Chapter 90.48.030 RCW, Chapter 90.48.080 RCW, Chapter 90.56 RCW, Chapter 90.56.280 RCW, Chapter 173-201A WAC, Chapter 173-201A-300–330 WAC, Chapter 173-204-120 WAC, Chapter 173-225-010 WAC, and Chapter 173-303-145 WAC.*
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.
 - *Justification – Ecology must protect waters of the state from all discharges and potential discharges of pollution that can affect water quality to protect aquatic life and beneficial uses.*
 - *Citation – Chapter 90.48 RCW, Chapter 90.48.030 RCW, Chapter 90.48.080 RCW, Chapter 90.56 RCW, Chapter 90.56.280 RCW, Chapter 173-201A WAC, Chapter 173-201A-300–330 WAC, Chapter 173-204-120 WAC, Chapter 173-225-010 WAC, and Chapter 173-303-145 WAC.*
4. Work causing distressed or dying fish and discharges of oil, fuel, or chemicals into state waters or onto land with a potential for entry into state waters is prohibited. If such work, conditions, or discharges occur, the Project Proponent shall notify Ecology's Federal Permit Manager per condition A2 and immediately take the following actions:
 - a. Cease operations at the location of the non-compliance.
 - b. Assess the cause of the water quality problem and take appropriate measures to correct the problem and 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.
 - d. Immediately notify Ecology's Regional Spill Response Office and the Washington State Department of Fish & Wildlife with the nature and details of the problem, any actions taken to correct the problem, and any proposed changes in operation to prevent further problems.
 - e. Immediately notify the National Response Center at 1-800-424-8802, for actual spills to water only.
 - *Justification – This condition is necessary to prevent oil and hazardous materials spills from causing environmental damage and to ensure compliance with water quality requirements. The sooner a spill is reported, the quicker it can be addressed,*

resulting in less harm. Ecology must protect waters of the state from all discharges and potential discharges of pollution that can affect water quality to protect aquatic life and beneficial uses.

- *Citation – Chapter 90.48 RCW, Chapter 90.48.030 RCW, Chapter 90.48.080 RCW, Chapter 90.56 RCW, Chapter 90.56.280 RCW, Chapter 173-201A WAC, Chapter 173-201A-300–330 WAC, Chapter 173-204-120 WAC, Chapter 173-225-010 WAC, and Chapter 173-303-145 WAC.*

5. Notify Ecology’s Regional Spill Response Office immediately if chemical containers (e.g. drums) are discovered on-site or any conditions present indicating disposal or burial of chemicals on-site that may impact surface water or ground water.

- *Justification – Oil and hazardous materials spills cause environmental damage. The sooner a spill is reported, the quicker it can be addressed, resulting in less harm. Ecology must protect waters of the state from all discharges and potential discharges of pollution that can affect water quality to protect aquatic life and beneficial uses.*
- *Citation – Chapter 90.48 RCW, Chapter 90.48.030 RCW, Chapter 90.48.080 RCW, Chapter 90.56 RCW, Chapter 90.56.280 RCW, Chapter 173-201A WAC, Chapter 173-201A-300–330 WAC, Chapter 173-204-120 WAC, Chapter 173-225-010 WAC, and Chapter 173-303-145 WAC.*

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 both 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	Pollution Control Hearings Board
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1111 Israel Road SW STE 301 Tumwater, WA 98501	PO Box 40903 Olympia, WA 98504-0903
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CONTACT INFORMATION

Please direct all questions about this Order to:


Laura Inouye
Department of Ecology
Headquarters Office
PO Box 67600
Olympia, WA 98504-7600
(360) 407-6165
Laura.inouye@ecy.wa.gov

MORE INFORMATION

- **Pollution Control Hearings Board Website**
<http://www.eluho.wa.gov/Board/PCHB>
- **Chapter 43.21B RCW - Environmental and Land Use Hearings Office – Pollution Control Hearings Board**
<http://app.leg.wa.gov/RCW/default.aspx?cite=43.21B>
- **Chapter 371-08 WAC – Practice And Procedure**
<http://app.leg.wa.gov/WAC/default.aspx?cite=371-08>
- **Chapter 34.05 RCW – Administrative Procedure Act**
<http://app.leg.wa.gov/RCW/default.aspx?cite=34.05>
- **Chapter 90.48 RCW – Water Pollution Control**
<http://app.leg.wa.gov/RCW/default.aspx?cite=90.48>
- **Chapter 173.204 WAC – Sediment Management Standards**
<http://apps.leg.wa.gov/WAC/default.aspx?cite=173-204>
- **Chapter 173-200 WAC – Water Quality Standards for Ground Waters of the State of Washington**
<http://apps.leg.wa.gov/WAC/default.aspx?cite=173-200>
- **Chapter 173-201A WAC – Water Quality Standards for Surface Waters of the State of Washington**
<http://apps.leg.wa.gov/WAC/default.aspx?cite=173-201A>

SIGNATURE

Dated this 29th day of June, 2021 at the Department of Ecology, Olympia, Washington



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

Attachment A
Statement of Understanding
Water Quality Certification Conditions

USCG Station Cape Disappointment Maintenance Dredge
Water Quality Certification Order No. **20136**
and
Corps Reference No. **NWS-2021-00246**

I, _____, state that I will be involved as an agent or contractor for the USCG in the site preparation and/or construction of the USCG Station Cape Disappointment Maintenance Dredge located at Baker Bay, Pacific County, Washington. I further state that I have read and understand the relevant conditions of Washington Department of Ecology Water Quality Certification Order No. 20136 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