



STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY

PO Box 47775 • Olympia, Washington 98504-7775 • (360) 407-6300
711 for Washington Relay Service • Persons with a speech disability can call 877-833-6341

September 30, 2021

Port of Vancouver USA
ATTN: Matt Harding
3103 NW Lower River Road
Vancouver, WA 98660

RE: Water Quality Certification Order No. **20756** for Corps Reference No. NWP-**2013-288-3**,
Terminal 4 Bank Stabilization, Clark County, Washington

Dear Matt Harding:

On June 7, 2021, Port of Vancouver USA submitted a request for a Section 401 Water Quality Certification (WQC) under the federal Clean Water Act for the Terminal 4 Bank Stabilization, Clark County, Washington.

On behalf of the state of Washington, the Department of Ecology certifies that the work described in the Water Quality Certification Request and supplemental 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 certification 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 Lori Kingsbury at lori.kingsbury@ecy.wa.gov. The enclosed Order may be appealed by following the procedures described within the Order.

Sincerely,

A handwritten signature in blue ink, appearing to read "Perry J Lund", written over a circular blue stamp.

Perry J Lund, Section Manager
Shorelands and Environmental Assistance Program
Southwest Regional Office

Enclosure

Terminal 4 Bank Stabilization
Order No. 20756
Corps No. NWP-2013-288-3
September 30, 2021
Page 2 of 2

e-cc: Trey Fraley, Corps of Engineers (Corps)
Dusty Day, WSP USA
Loree' Randall, Ecology, HQ-SEA
Lori Kingsbury, Ecology, SWRO-SEA
Miranda Adams, Ecology, SWRO-SEA
ecyrefedpermits@ecy.wa.gov – Aquatics No. 140289

IN THE MATTER OF GRANTING A)	ORDER No. 20756
WATER QUALITY)	Corps Reference No. NWP-2013-288-3
CERTIFICATION TO)	Terminal 4 Bank Stabilization located within
Terminal 4 Bank Stabilization)	Columbia River, Vancouver, Clark County,
pursuant to 33 U.S.C. 1341 (FWPCA)	Washington
§ 401), RCW 90.48.120, RCW 90.48.260)	
and Chapter 173-201A WAC)	

Port of Vancouver USA
ATTN: Matt Harding
3103 NW Lower River Road
Vancouver, WA 98660

On June 7, 2021, Port of Vancouver USA submitted a request for a Section 401 Water Quality Certification (WQC) under the federal Clean Water Act for the Terminal 4 Bank Stabilization, Clark County, Washington. The following required processing dates are referenced below:

- On March 16, 2021, the Port of Vancouver USA submitted a pre-filing meeting request.
- On June 17, 2021, the U.S. Army Corps of Engineers (Corps) sent an email notification to Ecology that they are reviewing the project for authorization under an individual Section 404 and Section 10.
- On July 2, 2021, Ecology issued a public notice for the project.
- On July 23, 2021, the Corps sent an e-mail to Ecology providing the “Reasonable Period of Time” (deadline) for the WQC of October 5, 2021.
- On August 4, 2021, the U.S. Army Corps of Engineers (Corps) issued a public notice.

The Port of Vancouver is proposing to stabilize the shoreline along with Columbia River at the Terminal 4 facility between Berths 10 and 13, a distance of approximately 1,850 linear feet.

The proposed project is a combination of structural and bioengineered bank stabilization. This work is associated with work previously authorized under a Nationwide Permit 3 issued on December 15, 2017. The work associated with that authorization inadvertently exceeded the footprint and was self-reported. The current proposal is to authorize the previously unauthorized work as well as additional work to complete the stabilization of the Terminal 4 shoreline.

Approximately 3340 cubic yards of material will be excavated and approximately 3925 cubic yards of material will be placed within 0.56 acres below the Ordinary High Water Mark (OHWM) of the Columbia River. The excavation will occur in areas to prepare for placement of backfill with riprap, gravel, and previously excavated sand to match the original beach contours. This work would also include planting of native vegetation.

The work will occur in three Zones. Within Zone 1, there is currently no riprap, and the entire bank will be treated with new vegetated riprap. Within Zone 2, there is currently some riprap and this stone will be supplemented with new vegetated riprap. Zone 3 is already protected and appears to be stable, no new rip rap will be installed within this Zone. Additional planting of native vegetation will be installed in the upper beach below the bank.

The purpose of the project is to provide a long-term solution to bank stabilization at the Terminal 4 site while protecting and maintaining existing infrastructure.

The project is located along the Columbia River at River Mile 104, within the Port of Vancouver at 4299, 3599, and 3675 NW Harborside Drive, Vancouver, Clark County, Washington; Section 20, Township 2N, Range 1E, within WRIA 28, Salmon-Washougal Watershed.

With this Order, Ecology is granting Port of Vancouver USA's request for a Section 401 Water Quality Certification for the Terminal 4 Bank Stabilization project, provided that the activity is conducted in accordance with the Section 401 Water Quality Certification request and attachments Ecology received on June 7, 2021.

Based on the information submitted, Ecology has determined that the discharge from the project will comply with state water quality requirements. Prior to undertaking any changes that materially alter the project, Port of Vancouver USA must contact Ecology to determine whether a new Section 401 Water Quality Certification is required.

Issuance of this Section 401 Water Quality Certification for this proposal does not authorize Port of Vancouver USA 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 Applicant from liability for contamination and any subsequent cleanup of surface waters, ground waters, or sediments resulting from project construction or operations.

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, this WQC is granted to the Port of Vancouver USA for the Terminal 4 Bank Stabilization project.

This Certification is not effective until the U.S. Corps of Engineers (Corps) Seattle District issues a Department of the Army (DA) permit for this project. Order No. **20756** will remain valid for the duration of the associated DA permit. Port of Vancouver USA should send a copy of the final DA permit to fednotification@ecy.wa.gov within two weeks of receiving it.

YOUR RIGHT TO APPEAL

You have a right to appeal this Order to the Pollution Control Hearings 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 Pollution Control Hearings Board 1111 Israel Road SW, Suite 301 Tumwater, WA 98501	Department of Ecology Attn: Appeals Processing Desk PO Box 47608 Olympia, WA 98504-7608 Pollution Control Hearings Board PO Box 40903 Olympia, WA 98504-0903

CONTACT INFORMATION

Please direct all questions about this Order to:

Lori Kingsbury
Department of Ecology
PO Box 47775
Olympia, WA 98504-7775
Lori.kingsbury@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



Perry J Lund, Section Manager
Shorelands and Environmental Assistance Program
Southwest Regional Office
Department of Ecology

September 30, 2021
Date