



STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY

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December 13, 2021

J.E. McAmis
ATTN: Scott Vandergrift
621 County Dr.
Chico, CA 95928

RE: Amendment to 401 Water Quality Certification **Order No. 20137** for U.S. Army Corps of Engineers Reference **NWS-2018-00037**, J.E. McAmis Access Channel Dredging, located in Cowlitz County, Washington.

Dear Scott Vandergrift:

Enclosed is an amendment to Water Quality Certification Order No 20137 issued on July 13, 2021, for the above project. We have also included a strikeout version of the Water Quality Certification that reflects the changes made. All other conditions of Water Quality Certification No. 20137 remain in effect.

The purpose of this amendment is to amend Condition C2 to allow in-water work from October 1 through December 31, or as otherwise approved by Ecology.

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

Sincerely,

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

E-cc: Danette Guy U.S. Army Corps of Engineers
Loree' Randall – HQ
Ryan Crotty, Maul Foster and Alongi, Inc.
ecyrefedpermits@ecy.wa.gov

IN THE MATTER OF GRANTING) **ORDER No. 20137,**
A WATER QUALITY) **First Amendment**
CERTIFICATION TO) **Corps Reference No. NWS-2018-00037**
J. E. McAmis)
In accordance with 33U.S.C. 1341)
(FWPCA §401), RCW 90.48.120, RCW)
90.48.260 and Chapter 173-201A WAC)

TO: J.E. McAmis
ATTN: Scott Vandergrift
621 County Dr.
Chico, CA 95928

On July 13, 2021, the Washington Department of Ecology (Ecology) issued a 401 Water Quality Certification to J. E. McAmis for the above-referenced project pursuant to the provisions of 33 U.S.C. 1341 (FWPCA § 401).

Ecology received a request on November 23, 2021, to allow an extension to the in-water work window.

Order No. 20137 dated July 13, 2021 is hereby amended as follows:

I. Condition number C2 which reads:

In-water work shall be conducted between October 1 and December 15 of any year.

Is replaced with:

In-water work shall be conducted between October 1 and December 31 of any year, or as otherwise approved by Ecology.

No other conditions or requirements of the above referenced Order are affected by this amendment.

Ecology retains continuing jurisdiction to make modifications hereto through supplemental order, if it appears necessary to further protect the public interest.

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

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 all of the following within 30 days of the date of receipt of this Order:

December 13, 2021

- 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.

Filing an appeal with the PCHB:

Mailing Address:

Pollution Control Hearings Board
PO Box 40903
Olympia, WA 98504-0903

Street Address:

Pollution Control Hearings Board
1111 Israel RD SW
STE 301
Tumwater, WA 98501

Serving a copy of the appeal on Ecology:

Mailing Address:

Department of Ecology
Attn: Appeals Processing Desk
PO Box 47608
Olympia, WA 98504-7608

Street Address:

Department of Ecology
Attn: Appeals Processing Desk
300 Desmond Drive SE
Lacey, WA 98503

CONTACT INFORMATION

Please direct all questions about this Order to:

Laura Inouye
Department of Ecology
Headquarters Office
PO Box 67600
Olympia, WA 98504-7600
360-515-8213
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>

December 13, 2021

- **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>



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

December 13, 2021

IN THE MATTER OF GRANTING A)	ORDER No. 20137
WATER QUALITY)	Corps Reference No. NWS-2018-00037
CERTIFICATION TO)	J.E. McAmis Access Channel Dredging, located
J.E. McAmis)	in Cowlitz County, Washington.
pursuant to 33 U.S.C. 1341 (FWPCA)	
§ 401), RCW 90.48.120, RCW 90.48.260)	
and Chapter 173-201A WAC)	

J.E. McAmis
ATTN: Scott Vandergrift
621 County Dr.
Chico, CA 95928

On September 29, 2020, J.E. McAmis submitted a pre-filing meeting request to the Department of Ecology (Ecology). J.E. McAmis then on October 28, 2020, submitted a request for a Section 401 Water Quality Certification (WQC) under the federal Clean Water Act for the J.E. McAmis Access Channel Dredging, Cowlitz County, Washington. Ecology considered the request valid on November 3, 2020. Ecology issued a public notice for the project on November 16, 2020.

The proposed work consists of dredging of up to 42,000 cubic yards (cy) initially within the Old Mouth of the Cowlitz River (OMCR) to maintain access to J.E. McAmis' existing facility by barge and tug. Sediment will be removed within the limits shown to a depth of -8 ft. Columbia River Datum (CRD) with a 2 ft. overdredge allowance (-10 ft. CRD). The proposed work also includes an annual maintenance dredging allowance of up to 7,500 cy per year over the 10-year permit period. Sediment will be dredged using a clamshell; dredged sediment will be placed on a materials barge with sidewalls and transported to a U.S. Army Corps of Engineers (USACE)-approved in-water disposal site. The proposed work also includes pile removal and removal of a significant amount of debris (sunken barge, detritus) in the OMCR in the vicinity of the dredge activities.

The project is located within the Old Mouth of the Cowlitz River, Cowlitz River and Columbia River in Section 10/11, Township 7N, Range 2W, in WRIA No. 25 (Grays-Elochoman).

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, J.E. McAmis' request for a Section 401 Water Quality Certification for the J.E. McAmis Access Channel 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 October 28, 2020, 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
October 28, 2020	Suitability Determination	<i>Suitability Determination Memorandum for the J.E. McAmis, Inc. Project in the Old Mouth of the Cowlitz River (OMCR) in Longview, Washington (NWS-2018-0037), dated October 22, 2020</i>	DMMP
November 3, 2020	SEPA	<i>SEPA Determination of Nonsignificance, signed November 7, 2017</i>	Cowlitz County
November 3, 2020	Biological Evaluation	<i>Biological Evaluation, J.E. McAmis Entrance Channel Dredging Project, Longview, Washington, dated July 26, 2018</i>	Maul Foster and Alongi, Inc.
November 3, 2020	Mitigation Plan	<i>Mitigation Plan, J.E. McAmis Entrance Channel Dredging Project, Longview, Washington, dated June 19, 2020</i>	Maul Foster and Alongi, Inc.
November 3, 2020	Water Quality Monitoring Plan	<i>Water Quality Monitoring Plan, JE McAmis Access Channel Dredging, dated April 28, 2020</i>	Maul Foster and Alongi, Inc.

Issuance of this Section 401 Water Quality Certification for this proposal does not authorize the J.E. McAmis 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 J.E. McAmis 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 J.E. McAmis. 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 J.E. McAmis. 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 J.E. McAmis 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 No. 20137 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 November 3, 2020, 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.*

The Project Proponent shall 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*
6. 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.*

7. 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.*

8. 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 No. 20137 and include the Project Proponent's name, Corps reference number, 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 July 13, 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 October 1 and December ~~15~~31 of any year, ~~or as otherwise approved by Ecology.~~

- *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-200(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 and Protection Plan, JE McAmis Access Channel Dredging* (hereafter referred to as the WQMP) prepared by J.E. McAmis dated April 28, 2020.
 - *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 (clamshell) 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).*

2. All suitable dredged material will be disposed of by bottom dump barge at a Corps approved Columbia River flow lane disposal location.

- *Justification – Ecology has reviewed 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).*

3. 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.*

4. 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.*

5. All debris larger than two (2) feet in any dimension shall be removed from the dredged sediment using a 1 foot by 1-foot grizzly prior to disposal at the open water site. Similar-sized debris floating in the dredging or disposal area shall be removed.

- *Justification – Ecology must be assured that the Project Proponent is managing and disposing of 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.*

6. 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, including any upland locations.
- c. Dredging procedures and sequence
- d. Equipment list
- e. A description of the BMPs to be used for dredging, dewatering, transloading, 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.*
7. 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.*
8. All dredging and disposal shall have a valid suitability determination prior to in-water work. This area ranks low-moderate in potential for contamination and the recency determination extends through May 2026. 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.*
9. Only approximately 48,000 cubic yards of dredged material is allowed under the October 22, 2020 DMMP suitability determination. 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 is 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) AC, Chapter 173-204-350(d), and Chapter 173-225 WAC.*

10. 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.*

11. 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 2020 Mitigation Plan, J.E. McAmis Entrance Channel Dredging Project, Longview, Washington, prepared by Maul Foster and Alongi, Inc., dated June 19, 2020 [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. Pile removal, handling, and disposal shall follow the EPA Region 10 Best Management Practices for Piling Removal and Placement in Washington State, dated February 18, 2016.
 - *Justification- The EPA BMPs were developed to protect water, sediment, and habitat quality by minimizing turbidity, sediment disturbance and debris re-entry to the water column and benthic zone during pile removal/placement activities.*
 - *Citations- 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.*
4. If pile removal fails, the pile stub must be cut at least 2 ft. below mudline, and the location (latitude and longitude) of all cut piling shall be reported to Ecology within 2 months of removal of all piles.
 - *Justification- Pile stubs can release associated creosote if exposed, and stubs at the surface can result in localized erosion that leads to further exposure of the stubs.*
 - *Citations- 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.*
5. The Project Proponent shall submit an As-Built Report per Condition A2 within 90 days of completion of debris removal, including locations of any pilings that broke during removal and were left in place.
 - *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.*

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.*