



STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY

PO Box 47600, Olympia, WA 98504-7600 • 360-407-6000

October 13, 2022

HME Construction, Inc.
ATTN: Gregory Speyer
6801 NW Old Lower River Road
Vancouver, WA 98660

Re: Water Quality Certification Order No. **21427** (Corps No. 201400126), Columbia River Mining Project, Clark County, Washington

Dear Gregory Speyer:

On January 20, 2022, HME Construction, Inc. submitted a request for a Section 401 Water Quality Certification (WQC) under the federal Clean Water Act for the Columbia River Mining Project, 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 enclosed Water Quality Certification Order (WQC Order).

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

If you have any questions about this decision, please contact Loree' Randall at Loree.Randall@ecy.wa.gov. The enclosed WQC Order may be appealed by following the procedures described within.

Sincerely,

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

Enclosure

WQ Order No. 21427, Corps No. 201400126

Aquatics ID No. 135077

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E-cc: Danette Guy, U.S. Army Corps of Engineers
Loree' Randall, Ecology
Jennifer Riedmayer, Ecology
ECYREFEDPERMITS@ecy.wa.gov

IN THE MATTER OF GRANTING A) **ORDER No. 21427**
WATER QUALITY CERTIFICATION TO) **Corps Reference No. 201400126**
HME Construction, Inc) *Columbia River Mining Project, Columbia River*
pursuant to 33 U.S.C. 1341 (FWPCA §) *located in Clark County, Washington.*
401), RCW 90.48.120, RCW 90.48.260 and)
Chapter 173-201A WAC)

HME Construction, Inc.
Attn: Greg Speyer
6801 NW Old Lower River Road
Vancouver, WA 98660

On January 20, 2022, HME Construction, Inc. submitted a request for a Section 401 Water Quality Certification (WQC) under the federal Clean Water Act for the Columbia River Mining Project, Clark County, Washington. The following required processing dates are referenced below:

- On October 13, 2021, the HME Construction, Inc. submitted a pre-filing meeting request.
- On April 18, 2022, Ecology issued a public notice for the project.

The project proposes to mechanically dredge by clamshell up to 100,000 cy annually in the federal navigation channel of the Columbia River from river miles 103.17 - 105.32 and 106.01 - 106.17. Dredge material will be utilized as needed for upland fill, in-water fill and environmental capping projects.

The project site is located at Columbia River from river mile 103.17 to 105.32 and 106.01 to 106.17, Clark County, Washington.

With this Order, Ecology is granting HME Construction's request for a Section 401 Water Quality Certification for the Columbia River Mining project, provided that the activity is conducted in accordance with the Section 401 Water Quality Certification request and attachments Ecology received on January 20, 2022.

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, HME Construction, Inc. 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 HME Construction, Inc. 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 HME Construction, Inc. for the Columbia River Mining project.

This Certification goes into effect upon issuance and will remain valid for the duration of the associated Corps of Engineers permit.

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. The appeal process is governed by RCW 43.21B and WAC 371-08. "Date of receipt" is defined in RCW 43.21b.001(2). More information is available at <https://eluhwa.gov/content/11>.

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

- File your notice of appeal and a copy of this Order with the PCHB (see filing options below). "Filing" means actual receipt by the PCHB during regular business hours as defined in WAC 371-08-305 and -335. "Notice of appeal" is defined in WAC 371-08-340.
- Serve a copy of your notice of appeal and this Order on the Department of 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 RCW 43.21B and WAC 371-08.

Filing an appeal with the PCHB:

For the most current information regarding filing with the PCHB, visit:
<https://eluhwa.gov/content/11>

Filing by mail

Mailing Address:

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

Filing in person (or by certified mail/courier)

Street Address:

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

Filing electronically

E-mail Address:

pchb-shbappeals@eluhwa.gov

Serving a copy of the appeal on Ecology:

Electronic copies of appeals are not accepted at the Department Ecology per WAC 371-08-305(10).

Filing by mail

Mailing Address:

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

Filing in person (or by certified mail/courier)

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:

Loree' Randall
Department of Ecology
Loree.Randall@ecy.wa.gov

More Information

- **Pollution Control Hearings Board Website**
<http://www.eluho.wa.gov/content/11>
- **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>

WQ Order No. 21427, Corps No. 201400126

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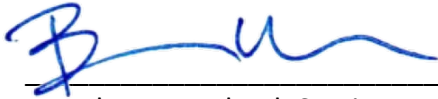
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- **Chapter 173-201A WAC – Water Quality Standards for Surface Waters of the State of Washington**

<http://apps.leg.wa.gov/WAC/default.aspx?cite=173-201A>

Signature



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

Oct 13, 2022

Date