



STATE OF WASHINGTON  
**DEPARTMENT OF ECOLOGY**

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

August 2, 2023

BNSF Railway Company  
ATTN: Mike Herzog  
4515 Kansas Avenue  
Kansas City, Kansas 66106

Re: Water Quality Certification Order No. **22144** (Corps No. **NWS-2016-207**), Bridge 0047-0066.4 Replacement Project, Skamania County, Washington

Dear Mike Herzog:

On June 15, 2023, BNSF Railway Company submitted a request for a Section 401 Water Quality Certification (WQC) under the federal Clean Water Act for the Bridge 0047-0066.4 Replacement Project, Skamania 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 Sonia Mendoza at (360) 918-1342. The enclosed WQC Order may be appealed by following the procedures described within.

Sincerely,

Loree' Randall, Section Manager  
Federal Permitting Section  
Shorelands and Environmental Assistance Program

WQC Order No. 22144, Corps No. NWS-2016-207  
Aquatics ID No. 135881  
August 2, 2023  
Page 2 of 2

Enclosure (1)

By certified mail: 9489 0090 0027 6383 6851 44

Sent via e-mail: Mike.Herzog@BNSF.com

E-cc: David Moore, U.S. Army Corps of Engineers  
Scott Swarts, Jacobs  
Sonia Mendoza, Ecology  
ECYREFEDPERMITS@ecy.wa.gov

In The Matter of Granting a Water Quality  
Certification to BNSF Railway Company  
pursuant to 33 U.S.C. 1341 (FWPCA § 401), RCW 90.48.120, RCW  
90.48.260 and Chapter 173-201A WAC

BNSF Railway Company  
ATTN: Mike Herzog  
4515 Kansas Avenue  
Kansas City, Kansas 66106

<b>WQC Order No.</b>	22144
<b>Corps Reference No.</b>	NWS-2016-207
<b>Site Location</b>	Bridge 0047-0066.4 Replacement Project located within Drano Lake, near Underwood, Skamania County, Washington.

BNSF Railway Company submitted a request for a Section 401 Water Quality Certification (WQC) under the federal Clean Water Act for the Bridge 0047-0066.4 Replacement Project, Skamania County, Washington. The following required processing dates are listed below:

- On 5/15/2023, the BNSF Railway Company submitted a pre-filing meeting request.
- On 6/15/2023, Ecology received a request for Clean Water Section 401 Water Quality Certification.
- On 6/16/2023, Ecology issued a public notice for the project.

This project proposes to remove the remnant portions of the two wingwalls, which are below the ordinary high water mark. Remove 357 cubic yards (3,861 square feet) of concrete remaining at the wingwalls.

The project site is located at the Bridge 0047-0066.4 crossing the Drano Lake and the mouth of the Little White Salmon River at its confluence with the Columbia River, near Underwood, Skamania County, Washington, within Water Resource Inventory Area (WRIA) 29 - WindWhiteSalmon.

With this WQC Order, Ecology is granting BNSF Railway Company's request for a Section 401 Water Quality Certification for the Bridge 0047-0066.4 Replacement Project, provided that the activity is conducted in accordance with the Section 401 Water Quality Certification request and attachments Ecology received on 6/15/2023.

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, BNSF Railway Company 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 BNSF Railway Company 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 BNSF Railway Company for the Bridge 0047-0066.4 Replacement 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. WQC Order No. **22144** will remain valid for the duration of the associated DA permit. BNSF Railway Company should send a copy of the final DA permit to [fednotification@ecy.wa.gov](mailto: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. The appeal process is governed by Chapter 43.21B RCW and Chapter 371-08 WAC. "Date of receipt" is defined in RCW 43.21B.001(2).

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

- File your notice of appeal and a copy of this Order with the PCHB (see filing information 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 mail, in person, or by email (see addresses below).

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

## **Filing an appeal**

### **Filing with the PCHB**

For the most current information regarding filing with the PCHB, visit: <https://elaho.wa.gov/> or call: 360-664-9160.

## Service on Ecology

### Street Addresses:

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

### Mailing Addresses:

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

### E-Mail Address:

ecologyappeals@ecy.wa.gov

## Americans with Disabilities Act Information

### Accommodation Requests

To request ADA accommodation including materials in a format for the visually impaired, call Ecology at 360-407-7668 or visit <https://ecology.wa.gov/accessibility>. People with impaired hearing may call Washington Relay Service at 711. People with speech disability may call TTY at 877-833-6341.

## Contact Information

Please direct all questions about this WQC Order to:

Sonia Mendoza  
Department of Ecology  
(360) 918-1342  
[sonia.mendoza@ecy.wa.gov](mailto:sonia.mendoza@ecy.wa.gov)

## More Information

- **Pollution Control Hearings Board Website**  
<https://eluhho.wa.gov>

- **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 2nd day of August 2023, at the Department of Ecology, Lacey, Washington.



Loree' Randall, Section Manager  
Federal Permitting Section  
Shorelands and Environmental Assistance Program