



STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY

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

August 23, 2023

U.S. Army Corps of Engineers (USACE)
Portland District
ATTN: Amy Gibbons
PO Box 2946
Portland, OR 97204

Re: Water Quality Certification Order No. **22275**, MCR Cape Disappointment Erosion Repair,
Pacific County, Washington

Dear Amy Gibbons:

On June 26, 2023, USACE, Portland District submitted a request for a Section 401 Water Quality Certification (WQC) under the federal Clean Water Act for the MCR Cape Disappointment Erosion Repair, Pacific 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

Enclosure (1)

MCR Cape Disappointment Erosion Repair
WQC Order No. 22275, Aquatics No. 142488
August 23, 2023
Page 2 of 2

By certified mail: 9489 0090 0027 6383 6852 29

Sent via e-mail: Amy.C.Gibbons@usace.army.mil

E-cc: Darren Bradford, USACE, Portland District
Sonia Mendoza, Ecology
ECYREFEDPERMITS@ecy.wa.gov

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

U.S. Army Corps of Engineers (USACE)
Portland District
Attn: Amy Gibbons
PO Box 2946
Portland, OR 97204

WQC Order No.	22275
Corps Reference No.	NA
Site Location	MCR Cape Disappointment Erosion Repair project located within Columbia River, Ilwaco, Pacific County, Washington.

USACE, Portland District submitted a request for a Section 401 Water Quality Certification (WQC) under the federal Clean Water Act for the MCR Cape Disappointment Erosion Repair project, Pacific County, Washington. The following required processing dates are listed below:

- On 3/15/2023, the USACE, Portland District submitted a pre-filing meeting request.
- On 6/26/2023, Ecology received a request for Clean Water Section 401 Water Quality Certification.
- On 7/11/2023, Ecology issued a public notice for the project.

This project proposes to address near-term stabilization to prevent further shoreline loss and mitigate risk to Jetty A by installing approximately 1,000 linear ft by 25 ft wide of shoreline revetment using 6" to 36" riprap over 0" to 12" bedding rock. The toe of the short-term feature would be constructed at or above 7.6 ft MHHW. The highest elevation extent of revetment concept would be 15 ft MHHW. The volume of rock material is approximately 2,000 CY within waters of the United States, and 5,000 CY total. Excavated material (sand) will be placed back in the work area, either on the upland side of revetment to transition the revetment back to upland, or to cover the revetment as much as possible on the water side.

The project site is located within Columbia River at 322 Coast Guard Road, Ilwaco, Pacific County, Washington, Section 09, Township 09 N., Range 11 W., within Water Resource Inventory Area (WRIA) 24 – Willapa.

With this WQC Order, Ecology is granting with conditions USACE, Portland District's request for a Section 401 Water Quality Certification for the MCR Cape Disappointment Erosion Repair

project, provided that the activity is conducted in accordance with the Section 401 Water Quality Certification request and the following supporting documentation:

1. E-mail to Ecology dated 6/26/2023, Water Quality Protection Plan.
2. E-mail to Ecology dated 6/26/2023, regarding the project's Environmental Exhibit.

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, USACE, Portland District 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 USACE, Portland District 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.

1. Visible turbidity anywhere beyond the temporary area of mixing (300 feet -point of compliance) from the activity, shall be considered an exceedance of the standard.
 - Justification - Ecology must protect waters of the state from all discharges and potential discharges of pollution and prevent exceedances of the water quality standards that protect aquatic life and beneficial uses.
 - Citation - Chapter 90.48 RCW, RCW 90.48.030, RCW 90.48.080, Chapter 173-201A WAC, WAC 173-201A-300 - 330, WAC 173-204-120, and WAC 173-225-010.
2. If water quality exceedances for turbidity are observed outside the point of compliance, the Corps or the contractor shall assess the cause of the water quality problem and take immediate action to 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 prevent exceedances of the water quality standards that protect aquatic life and beneficial uses.
 - Citation - Chapter 90.48 RCW, RCW 90.48.030, RCW 90.48.080, Chapter 173-201A WAC, WAC 173-201A-300 - 330, WAC 173-204-120, and WAC 173-225-010.
3. Any work that causes distressed or dying fish or discharges of oil, fuel, or other chemicals into state waters or onto land with a potential for entry into state waters is

prohibited¹. If such work, conditions, or discharges occur, immediately notify² Ecology's Regional Spill Response Office at 360-407-6300 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. You will also need to notify the Washington Emergency Management Division³ at 1-800-258-5990, for spills to water only. This condition is necessary to prevent oil and other 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.

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 with conditions to the USACE, Portland District for the MCR Cape Disappointment Erosion Repair project.

This will remain valid for the duration of five years from the date of issuance.

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://eluh.wa.gov/> or call: 360-664-9160.

¹ RCW 90.48

² WAC 173-303-145

³ RCW 90.56.280

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

More Information

- **Pollution Control Hearings Board Website**
<https://elaho.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 23rd day of August 2023, at the Department of Ecology, Lacey, Washington.



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