



**STATE OF WASHINGTON  
DEPARTMENT OF ECOLOGY**

**Southwest Region Office**  
PO Box 47775, Olympia, WA 98504-7775 • 360-407-6300

October 10, 2023

Wahkiakum County Public Works  
ATTN: Chuck Beyer  
PO Box 97  
Cathlamet, WA 98612

Re: Amendment to 401 Water Quality Certification Order No. 16067 for U.S. Army Corps of Engineers Reference No. NWS-2016-1117, 10-Year Sand Placement Program project, within Columbia River, near Cathlamet, Wahkiakum County, Washington

Dear Chuck Beyer:

Enclosed is an amendment to Water Quality Certification Order No. 16067, issued on October 31, 2018, 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. 16067 remain in effect.

The purpose of this amendment is to extend the Water Quality Certification to coincide with the Corps Individual Permit.

If you have any questions, please contact Meghan Tait at (360) 210-2783. The enclosed Amendment may be appealed by following the procedures described in the Amendment.

Sincerely,

Maria Sandercock, Section Manager  
Southwest Region Office  
Shorelands and Environmental Assistance Program

By certified mail: 9489 0090 0027 6094 0259 01

Sent via e-mail: beyerc@co.wahkiakum.wa.us

First Amendment to WQC Order No. 16067  
Aquatics No. 135453, Corps No. NWS-2016-1117  
October 10, 2023  
Page 2 of 2

e-cc: Danette Guy, U.S. Army Corps of Engineers  
Sydney Gebers, Grette Associates, LLC  
Julie Grobelny, WDFW  
Meghan Tait, Ecology  
Laura Inouye, Ecology  
Loree' Randall, Ecology  
[ecyrefedpermits@ecy.wa.gov](mailto:ecyrefedpermits@ecy.wa.gov)

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

Wahkiakum County Public Works  
Attn: Chuck Beyer  
PO Box 97  
Cathlamet, WA 98612

<b>WQC Order No.</b>	<b>16067</b> , First Amendment
<b>Corps Reference No.</b>	NWS-2016-1117
<b>Site Location</b>	10-Year Sand Placement Program project located within Columbia River, near Cathlamet, Wahkiakum County, Washington.

On October 31, 2018, the Washington Department of Ecology (Ecology) issued a 401 Water Quality Certification to Wahkiakum County Public Works for the above-referenced project pursuant to the provisions of 33 U.S.C. 1341 (FWPCA § 401).

Ecology received a request to extend the Water Quality Certification to coincide with the Corps Individual Permit and to allow the sand placement to be in line with the federal and local permit approvals.

Order No. 16067 dated October 31, 2018, is hereby amended as follows:

I. Condition number C.1. which reads:

This Order shall remain in effect for a period of five (5) years from the date of issuance. Continuing this project beyond the five year term of this Order will require the Applicant to obtain review and written approval by Ecology to extend the project for an additional five (5) years. The total term of this order shall not to exceed a total of ten (10) years.

Is replaced with:

This Order shall remain in effect to May 19, 2029.

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. 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 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 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

## Contact Information

Please direct all questions about this Order to:

Meghan Tait  
Department of Ecology  
(360) 210-2783  
Meghan.Tait@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>

## Signature

Dated this 10th day of October 2023, at the Department of Ecology, Lacey, Washington.



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Maria Sandercock, Section Manager  
Southwest Region Office  
Shorelands and Environmental Assistance Program

This document shows the activities and conditions that have been amended since the original Order was issued. Therefore, it is not the official certification and should be used for information purposes only.

<b>IN THE MATTER OF GRANTING A</b>	)	<b>ORDER No. 16067, First Amendment</b>
<b>WATER QUALITY</b>	)	<b>Corps Reference No. NWS-2016-1117</b>
<b>CERTIFICATION TO</b>	)	Wahkiakum County Multiple Site 10-Year Sand
<b>Wahkiakum County Public Works</b>	)	Placement Program, Columbia River bordering
in accordance with 33 U.S.C. 1341	)	Wahkiakum County, Washington
(FWPCA § 401), RCW 90.48.120, RCW	)	
90.48.260 and Chapter 173-201A WAC	)	

TO: Wahkiakum County Public Works  
Attention: Chuck Beyer  
P.O. Box 97  
Cathlamet, WA 98612

On August 22, 2018, the Department of Ecology (Ecology) received a Joint Aquatic Resources Permit Application (JARPA) from Wahkiakum County Public Works, requesting a Section 401 Water Quality Certification for the Wahkiakum County Multiple Site 10-Year Sand Placement Program. The U.S. Army Corps of Engineers (Corps) issued a joint public notice for the project pursuant to the provisions of Chapter 173-225 WAC on October 1, 2018.

Wahkiakum County Public Works proposes to place up to 1,352,720 cubic yards (CY) of clean dredged material (sand) on 104 acres for bank protection at four sites over a period of ten years. The proposed sites are as follows:

- Sand Pit (River Mile 38.25): 17 residential parcels would receive up to 366,870 CY over 21.7 acres;
- North Welcome Slough (River Mile 40.0–40.5): 21 parcels would receive up to 587,500 CY of material over 21.6 acres;
- Pancake Point (River Mile 43.5): 29 parcels would receive up to 247,900 CY of material over 17.8 acres; and
- Cape Horn (River Mile 47.5): 16 parcels would receive up to 150,450 CY of material over 12.9 acres.

The method of sand placement at the Sand Pit, North Welcome Slough, and Cape Horn locations would occur through direct placement with a pipeline dredge by pumping a slurry of sand and water through a discharge pipeline directly onto the eroding beach. Sand placement at Pancake Point may occur either through direct placement or by delivery from a hopper dredge or barge with pump-out capability.

In both cases, the sand/slurry would be pumped onto the beach from the vessel, dewatered, and graded to final elevations. The placement of slurry on the beach will be controlled and contained through the construction of confinement berms prior to placement.

The County has a signed agreement with the Corps to receive clean dredged material obtained from local dredging projects to provide beach nourishment. The dredging activities are authorized as a separate action.

The purpose of the proposed program is to protect eroding shorelines on residential properties through beach nourishment. Sand placement will also support sediment transport in the Columbia River.

The project is located in the Columbia River approximately between River Mile (RM) 38.2 and RM 47.5 near the town of Cathlamet, Wahkiakum County, Washington, within the Southeast Quarter, Section 4, and Northeast Quarter, Section 09, Township 8 North, Range 6 West; WRIA 25, Grays-Elochoman watershed.

#### **AUTHORITIES:**

In exercising authority under 33 U.S.C. § 1341, RCW 90.48.120, and RCW 90.48.260, Ecology has reviewed this application 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 (FWPCA § 301, 302, 303, 306 and 307);
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; and
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.

#### **WATER QUALITY CERTIFICATION CONDITIONS:**

Through issuance of this Order, Ecology certifies that it has reasonable assurance that the activity as proposed and conditioned will be conducted in a manner that will meet the applicable water quality standards and other appropriate requirements of state law. 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, water quality certification is granted to the Applicant subject to the conditions within this Order.

Certification of this proposal does not authorize the Applicant to exceed applicable state water quality standards (Chapter 173-201A WAC), ground water standards (Chapter 173-200 WAC) or sediment quality standards (Chapter 173-204 WAC). Furthermore, nothing in this certification shall absolve the Applicant from liability for contamination and any subsequent cleanup of surface waters, ground waters or sediments occurring as a result of project construction or operations.

**A. General Conditions:**

1. In this Order, the term “Applicant” shall mean Wahkiakum County Public Works and its agents, assignees, and contractors.
2. All submittals required by this Order shall be sent to Ecology’s Southwest Regional Office, Attn: Federal Permit Manager, SEA Program, P.O. Box 47775, Olympia, WA 98504-7775 or via e-mail to [fednotification@ecy.wa.gov](mailto:fednotification@ecy.wa.gov) with a copy to [Lori.Kingsbury@ecy.wa.gov](mailto:Lori.Kingsbury@ecy.wa.gov). All submittals shall reference Order No. **16067** and Corps Reference No. **NWS-2016-1117** and include Applicant name, project name, project contact, and contact phone number.
3. Work authorized by this Order is limited to the work described in the JARPA received by Ecology on August 22, 2018, unless otherwise authorized by Ecology.
4. The Applicant shall obtain Ecology review and approval before undertaking any changes to the proposed project that might significantly and adversely affect water quality, other than those project changes required by this Order.
5. Within 30 days of receipt of updated information, Ecology will determine if the revised project requires a new Public Notice and Water Quality Certification or if a modification to this Order is required.
6. This Order shall be rescinded if the U.S. Army Corps of Engineers does not issue a Section 404 permit.
7. Copies of this Order shall be kept 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.
8. The Applicant 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.
9. Nothing in this Order waives Ecology’s authority to issue additional orders if Ecology determines that further actions are necessary to implement the water quality laws of the state. Furthermore, Ecology retains continuing jurisdiction to make modifications hereto through supplemental order, if additional impacts due to project construction or operation are identified or if additional conditions are necessary to further protect water quality.
10. In the event of changes or amendments to the state water quality, ground water quality, or sediment standards, or changes in or amendments to the state Water Pollution Control Act (RCW 90.48) or the federal Clean Water Act, Ecology will issue an administrative order to incorporate any such changes or amendments applicable to this project.
11. The Applicant shall ensure that all appropriate project engineers and contractors at the project site have read and understand relevant conditions of this Order and all permits, approvals, and documents referenced in this Order. The Applicant shall provide Ecology



a signed statement (see Attachment A for an example) from each project engineer and contractor that they have read and understand the conditions of this Order and the above-referenced permits, plans, documents and approvals. These statements shall be provided to Ecology before construction activities begin at the project location(s).

12. This Order does not authorize direct, indirect, permanent, or temporary impacts to waters of the state (including wetlands) or related aquatic resources, except as specifically provided for in conditions of this Order.
13. Failure of any person or entity to comply with this Order may result in the issuance of civil penalties or other actions, whether administrative or judicial, to enforce the terms of this Order.

#### **B. Notification Requirements:**

1. The Applicant shall provide a copy of the final Corps Permit to Ecology's Southwest Regional Office Federal Permit Manager (in accordance with Condition A.2, above) within two weeks of receipt of the permit.
2. Written notification (e-mail is preferred) shall be made to Ecology's Southwest Regional Office Federal Permit Manager in accordance with condition A.2, above for the following activities:
  - a. At least ten (10) days prior to the onset of in-water work for each season;
  - b. Within ten (10) days after completing in-water work for each season;
  - c. Immediately following a violation of the state water quality standards or any condition of this Order.

#### **C. Timing Requirements:**

- ~~1. This Order shall remain in effect for a period of five (5) years from the date of issuance. Continuing this project beyond the five year term of this Order will require the Applicant to obtain review and written approval by Ecology to extend the project for an additional five (5) years. The total term of this order shall not to exceed a total of ten (10) years.~~
1. This Order shall remain in effect to May 19, 2029.
2. Dredged material (sand slurry) placement may take place annually between July 1 and December 15 of a given year.

#### **D. Water Quality Conditions:**

1. The Columbia River in this location is categorized as Char Spawning/Rearing, and the criteria of the categorization apply as described in WAC 173-201A-200(1)(e), except as specifically modified by this Order.
2. This Order authorizes a temporary turbidity mixing zone of 900 feet down current from the point of discharge.

*Water Quality Monitoring*

3. The Applicant shall conduct water quality monitoring as described in the *Wahkiakum County Public Works 10-Year Sand Placement Program NWS2016-11, Water Quality Monitoring Plan* prepared by Grette Associates, dated October 30, 2018.
4. Ecology must approve, in writing, any changes or additions to the WQMPP prior to implementation of the changes or additions.
5. Results of the water quality monitoring shall be documented in a report and submitted to Ecology's Federal Permit Manager weekly during the in-water work per condition A.2 of this Order.
6. If water quality exceedances are observed outside the point of compliance, work shall cease immediately, and the Applicant 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.
7. Notification of exceedances shall be made to Ecology **within 24 hours of occurrence**. Notification shall be made with reference to Order No. 16067 Attn: Federal Permit Manager by telephone at (360) 407-6926 or by e-mail to [fednotification@ecy.wa.gov](mailto:fednotification@ecy.wa.gov) with a copy to [Lori.kingsbury@ecy.wa.gov](mailto:Lori.kingsbury@ecy.wa.gov). The Applicant shall, at a minimum, provide Ecology with the following information:
  - a. A description of the nature, extent, and cause of the exceedance.
  - b. The period of non-compliance, including exact dates, duration, and times and/or anticipated time when the project will return to compliance.
  - c. The steps taken, or to be taken, to reduce, eliminate, and prevent a recurrence of the non-compliance.
  - d. In addition, within five (5) days after the notification of the exceedance, the Applicant shall submit a written report to Ecology (per condition A.2) that describes the nature of the exceedance(s), corrective action taken and/or planned, steps taken to prevent a recurrence, photographs, and any other pertinent information.
8. Mitigation and/or additional monitoring may be required if the monitoring results indicate that the water quality standards have not been met.

**E. Sand Placement Conditions:**

1. This Order only authorizes the placement of clean sand received from the Corps of Engineers dredge projects per the Memorandum of Agreement between the Corps and the Applicant. Placement of dredged material from any other source must be approved in writing by Ecology and evaluated by the Portland Sediment Evaluation Team (PSET) and deemed suitable for in-water placement prior to placement.
2. Dredged material placement operations shall be conducted in a manner that minimizes the disturbance or siltation of adjacent waters and prevents the accidental discharge of

petroleum products, chemicals, or other toxic or deleterious substances into waters of the state.

3. Construction stormwater, sediment, and erosion control best management practices (BMPs; e.g., filter fences, etc.) suitable to prevent exceedances of state water quality standards shall be in place prior to starting construction and inspected and maintained throughout project implementation.
4. All work within the project limits shall be clearly marked/staked prior to construction. Clearing limits, travel corridors, and stockpile sites shall be clearly marked. Sensitive areas and buffers that are to be protected from disturbance shall be marked so as to be clearly visible to equipment operators. All project staff shall be trained to recognize construction fencing or flagging that identifies sensitive area boundaries. Equipment shall enter and operate only within the marked clearing limits corridors and stockpile areas.
5. Machinery and equipment used during construction shall be serviced, fueled, and maintained in a confined area on uplands a minimum of 50 feet, and where practical, 100 feet from waters of the state, including wetlands. Fueling areas shall be provided with adequate spill containment.
6. Appropriate BMPs shall be implemented to minimize track-out during construction.
7. Equipment used for this project shall be free of external petroleum-based products when used near waters of the state, including wetlands. Accumulation of soil or debris shall be removed from the drive mechanisms (wheels, tires, tracks, etc.) and the undercarriage of equipment prior to use near waters of the state, including wetlands.
8. Equipment operating below the ordinary high water mark (OHWM) shall utilize bio-degradable hydraulic fluid.
9. Placement of material shall be primarily by pumping a slurry through a discharge pipeline from a vessel. Use of any other type of delivery method requires prior approval from Ecology.
10. Placement of the slurry on the beach and return water shall be controlled and contained by confinements such as the construction of berms with the sand.
11. Prior to sediment delivery, the project area shall be inspected for any human-made debris. Human-made debris shall be removed and disposed of at an approved upland disposal facility.
12. Impacts to riparian vegetation shall be avoided or minimized wherever possible.
13. Removal and relocation of native woody vegetation shall be limited to the minimum amount necessary to construct the project.
14. Large woody debris located within the project area shall be removed and temporarily stockpiled above the OHWM. All relocated large woody debris shall be replaced near the new OHWM upon completion of the sand placement at that location.

**F. Wetland Compensatory Mitigation Conditions:**

1. The Applicant shall mitigate wetland impacts as described in the *Wahkiakum County Public Works 10-Year Sand Placement Program Mitigation Bank Use Plan* (hereafter called the “bank use plan”) prepared by Grette Associates, LLC, dated August 17, 2018, or as revised and approved by Ecology.
2. Prior to impacting wetlands, the Applicant shall submit to Ecology documentation from the bank sponsor verifying the purchase of 0.11 wetland mitigation bank credit (credit) from the Coweeman River Wetland Mitigation Bank. This documentation must include the Order number, Order permit issuance date, impact acreage, the amount of credit required by the permit, and date of credit purchase.
3. The Applicant shall notify Ecology (per Condition A.2 of this Order) of any changes to the amount of wetland impact or revisions to the bank use plan. Implementation of the changes may occur only after review and approval by Ecology.
4. The Applicant shall complete the purchase of credit before the impacts to wetlands occur, or Ecology may require additional compensation to account for temporal loss of wetland functions.
6. If the credit is not purchased within 13 months of the date of this Order, the Applicant shall inform Ecology, in writing, of the status of:
  - a. The Wahkiakum County Public Works 10-Year Sand Placement Program
  - b. When bank credit will be purchased.

With the:

- c. Reason for the delay
- d. Expected date of completion.

The Applicant shall submit an updated written notification every 12 months thereafter until The Wahkiakum County Public Works 10-Year Sand Placement Program is complete and the required credit is purchased.

**G. Emergency/Contingency Measures:**

1. The Applicant shall develop and implement a Spill Prevention Control and Countermeasure (SPCC) Plan for all aspects of this project and shall have adequate and appropriate spill response materials on hand to respond to emergency release of petroleum products or any other material to waters of the state.
2. Any work that is causing distressed, dead, or dying fish; or any discharge of oil, fuel, or chemicals into state waters, or onto land with a potential for entry into state waters, is prohibited. If any of these occur, the Applicant or Operator shall immediately take the following actions:
  - a. Cease operations that are causing the compliance problem.

- b. Assess the cause of the water quality problem and take appropriate and immediate measures to correct the problem and/or prevent further environmental damage.
  - c. Collect fish specimens and water samples in the affected area within the first hour of the event. These samples shall be held in refrigeration or on ice until instructed by Ecology on what to do with them. Ecology may require analysis of these samples before allowing the work to resume.
  - d. In the event of a discharge of oil, fuel, or other 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.
  - e. Immediately notify Ecology's 24-Hour-Spill Response Team at 1-800-645-7911 **and** within 24 hours of spills or other events to Ecology's Federal Permit Manager at (360) 407-6926 or (360) 407-6300.
  - f. 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 taken to prevent recurrence, results from any samples taken, and any other pertinent information.
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.
4. If at any time during work the Applicant finds buried chemical containers, such as drums, or any unusual conditions indicating disposal of chemicals, the Applicant shall immediately notify Ecology using the phone numbers in Condition G.2.e.