



STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY

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

February 22, 2024

Port of Ilwaco
ATTN: Tracy Lofstrom
P.O. Box 307
Ilwaco, WA 98624

Re: Water Quality Certification Order No. **22523** (Corps No. NWP-2022-525), Port of Ilwaco East Bulkhead Resilience Project, Pacific County, Washington

Dear Tracy Lofstrom:

On July 6, 2023, the Port of Ilwaco submitted a request for a Section 401 Water Quality Certification (WQC) under the federal Clean Water Act for the Port of Ilwaco East Bulkhead Resilience project in Pacific County, Washington.

On behalf of the state of Washington, the Department of Ecology certifies with conditions 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 Brook Swensen at 564-999-1749. The enclosed WQC Order may be appealed by following the procedures described within.

Sincerely,

Loree' Randall, Section Manager
Aquatic Permitting & Protection Section
Shorelands and Environmental Assistance Program

WQC Order No. 22523, Corps No. NWP-2022-525

Aquatics ID No. 142236

February 22, 2024

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Enclosure (1)

By certified mail: 9489 0090 0027 6383 2203 14

Sent via e-mail: tlofstrom@portofilwaco.org

E-cc: Kinsey Friesen, U.S. Army Corps of Engineers
Victoria England, Moffat & Nichol
Brook Swensen, Ecology
ECYREFEDPERMITS@ecy.wa.gov

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

Port of Ilwaco
Attn: Tracy Lofstrom
P.O. Box 307
Ilwaco, Washington 98624

WQC Order No.	22523
Corps Reference No.	NWP-2022-525
Site Location	Port of Ilwaco East Bulkhead Resilience located within Baker Bay, Pacific County, Washington.

The Port of Ilwaco submitted a request for a Section 401 Water Quality Certification (WQC) under the federal Clean Water Act for the Port of Ilwaco East Bulkhead Resilience, Pacific County, Washington. The following required processing dates are listed below:

- On 12/8/2022, the Port of Ilwaco submitted a pre-filing meeting request.
- On 7/6/2023, Ecology received a request for Clean Water Section 401 Water Quality Certification.
- On 7/13/2023, the Port of Ilwaco submitted additional information, and the Department of Ecology (Ecology) considered the Request valid on this date.
- Ecology's "Reasonable Period of Time" for this project has been established as 7/6/2024.
- On 10/6/2023, the U.S. Army Corps of Engineers (Corps) issued a joint public notice.

This project proposes to replace a failing bulkhead with a new structure and repair slope protection north and south of the existing bulkhead. Additional work entails paving and regrading the upland wharf area directly landward of the bulkhead to mitigate projected seal level rise.

Bulkhead Replacement: The majority of the existing bulkhead will be abandoned in place but the top several feet of timber above the timber wale may be removed and localized notching of the existing bulkhead to accommodate installing new tie-back ground anchors for the new bulkhead. The new bulkhead will be constructed directly adjacent to the existing structure. New sheet pile will be driven into the substrate and drainage rock will be placed between the existing bulkhead and the new bulkhead wall to maintain water pressure equilibrium on both

sides of the bulkhead. The length of the bulkhead will remain the same but will be ~3 feet higher than the existing structure to accommodate for projected sea level rise.

Slope Protection Repair: An existing creosote treated timber retaining wall located to the north of the bulkhead will be completely removed and replaced with 198 cubic yards of riprap. A layer of fish mix rock will be placed over the riprap located below the high tide line to provide fish habitat. To the south of the existing bulkhead, 14 cubic yards of concrete rubble will be replaced with 35 cubic yards of riprap.

To mitigate for aquatic impacts the following actions will be taken:

- Removal of ~28 creosote-treated timber piles and 3 steel piles will be removed adjacent to the existing bulkhead.
- Removal of 36 derelict creosote-treated timber piles and 3 creosote-treated timber pile caps.
- Removal of a derelict structure ~ 2510 square feet in area will be removed decreasing overwater coverage.

The project site is located at 117 Howerton Ave SE, Ilwaco in Baker Bay, Pacific County, Washington, Section 33 and 34, Township 10 N., Range 11 W., within Water Resource Inventory Area (WRIA) 24 - Willapa.

With this WQC Order, Ecology is granting with conditions the Port of Ilwaco's request for a Section 401 Water Quality Certification for the Port of Ilwaco East Bulkhead Resilience project, provided that the activity is conducted in accordance with the Section 401 Water Quality Certification request and attachments Ecology received on 7/6/2023, and the following supporting documentation:

1. E-mail to Ecology dated 2/8/2024, regarding water quality monitoring and agreement to conduct physical sampling, if needed, to determine compliance with the water quality standards.

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, the Port of Ilwaco 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 the Port of Ilwaco 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.

Special Conditions:

1. No petroleum products, fresh concrete, lime or concrete, chemicals, or other toxic or deleterious materials shall be allowed to enter waters of the state.
 - 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, 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. The following notifications 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 brook.swensen@ecy.wa.gov Notifications shall be identified with WQC Order No. 22523, Corps Reference No. NWP-2022-525, and include the Project Proponent name, project name, project location, project contact and the phone number.
 - a. Immediately following a violation of state water quality standards or when the project is out of compliance with any conditions of this WQC Order;
 - b. At least 10 days prior to all pre-construction meetings
 - c. At least 10 days prior to conducting initial in-water work activities.
 - Justification - Ecology has independent state authority to ensure protection of state water quality. 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, RCW 90.48.030, RCW 90.48.120, Chapter 173-201A WAC, WAC 173-201A-300 - 330, Chapter 173-204 WAC, and WAC 173-225-010.

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 Port of Ilwaco for the Port of Ilwaco East Bulkhead Resilience 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. **22523** will remain valid for the duration of the associated DA permit. The Port of Ilwaco should send a copy of the final

DA permit to fednotification@ecy.wa.gov within two weeks of receiving it. To transfer this Order to a new owner or operator, complete a Request for Transfer of Order form following the instructions at the top of the form. Link to form:

<https://apps.ecology.wa.gov/publications/SummaryPages/ECY070695.html>.

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 360-407-6831 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:

Brook Swensen

Department of Ecology

564-999-1749

brook.swensen@ecy.wa.gov

More Information

- **[Pollution Control Hearings Board Website](https://eluhc.wa.gov)**
<https://eluhc.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)**
<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)**
<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)**
<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)**
<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)**
<http://apps.leg.wa.gov/WAC/default.aspx?cite=173-204>

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- **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 22nd day of February, 2024 at the Department of Ecology, Lacey, Washington.



Loree' Randall, Section Manager
Aquatic Permitting & Protection Section
Shorelands and Environmental Assistance Program