



STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY

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

November 14, 2024

LeGrow Water Company
ATTN: Stephen Paget
PO Box 1306
Pasco, WA 99301

Re: Water Quality Certification Order No. **22565** (Corps No. **NWS-2021-0119**), Intake Pipe and Screen Replacement, Walla Walla County, Washington

Dear Stephen Paget:

On 1/15/2024, LeGrow Water Company (Stephen Paget) submitted a request for a Section 401 Water Quality Certification (WQC) under the federal Clean Water Act for the Intake Pipe and Screen Replacement, Walla Walla 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 Taylor Belisle at 360-742-8814. The enclosed WQC Order may be appealed by following the procedures described within.

Sincerely,

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

WQC Order No. 22565, Corps No. NWS-2021-0119

Aquatics ID No. 134051

November 14, 2024

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Enclosure (1)

By certified mail: 9489 0090 0027 6391 8524 46

Sent via e-mail: stephen.paget@simplot.com

E-cc: David Moore, U.S. Army Corps of Engineers
Marcus Miller, J-U-B ENGINEERS, Inc.
Gary James Weatherly, J-U-B ENGINEERS, Inc.
Taylor Belisle, Ecology
Erin Hanlon Brown, Ecology
ECYREFEDPERMITS@ecy.wa.gov

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

LeGrow Water Company
Attn: Stephen Paget
PO Box 1306
Pasco, WA 99301

WQC Order No.	22565
Corps Reference No.	NWS-2021-0119
Site Location	Intake Pipe and Screen Replacement located within Columbia River, near Wallula, Walla Walla County, Washington.

LeGrow Water Company (Stephen Paget) submitted a request for a Section 401 Water Quality Certification (WQC) under the federal Clean Water Act for the Intake Pipe and Screen Replacement, Walla Walla County, Washington. The following required processing dates are listed below:

- On 5/26/2021, the LeGrow Water Company (Stephen Paget) submitted a pre-filing meeting request.
- On 1/15/2024, Ecology received a request for Clean Water Section 401 Water Quality Certification.
- On 1/19/2024, Ecology issued a public notice for the project.
- Ecology's "Reasonable Period of Time" for this project has been established as 1/15/2025.

This project proposes to replace existing water intake and pump station facilities that have surpassed their service life and are failing due to age, increased sediment deposition, and frequent debris accumulation around the current intake. A new pump station, intake pipes and intake screens will be constructed to replace an existing pump station, intake pipe and intake screens.

The project site is located near Wallula, within Columbia River, Walla Walla County, Washington, Section 3 and 4, Township 7 N., Range 31 E., within Water Resource Inventory Area (WRIA) 32 Walla Walla.

With this WQC Order, Ecology is granting with conditions LeGrow Water Company (Stephen Paget)'s request for a Section 401 Water Quality Certification for the Intake Pipe and Screen

Replacement project, provided that the activity is conducted in accordance with the Section 401 Water Quality Certification request and attachments Ecology received on 1/15/2024, and the following supporting documentation:

- Dredging Plan, dated 9/20/2024.

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, LeGrow Water Company (Stephen Paget) 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 LeGrow Water Company (Stephen Paget) 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 LeGrow Water Company (Stephen Paget) from liability for contamination and any subsequent cleanup of surface waters, ground waters, or sediments resulting from project construction or operations.

Special Conditions:

1. 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. **22565** will remain valid for the duration of the associated Corps permit for the project.
 - Justification – Certifications are required for any license or permit that authorizes an activity that may result in a discharge or fill material into waters. This WQC Order is not valid until the Federal agency issues a permit. Additionally, Ecology needs to be able to specify how long the WQC Order will be in effect.
 - Citation – Chapter 90.48 RCW, Chapter 173-201A WAC, and WAC 173-225-010.
2. LeGrow Water Company (Stephen Paget) shall send a copy of the final Federal permit via e-mail to fednotification@ecy.wa.gov and cc to Federal Permit Manager prior to the starting of any work authorized by this WQC Order. If the Federal Agency determines the proposed project does not require a Federal permit, the Project Proponent shall immediately inform Ecology.
 - Justification - This condition is needed to ensure that the federal permit has been issued and all the conditions of the WQC Order have been included into the federal permit.
 - Citation - 40 CFR 121.10, 40 CFR 121.11, and Chapter 90.48 RCW.

3. 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 Taylor.Belisle@ecy.wa.gov. Notifications shall be identified with WQC Order No. 22565 Corps Reference No. NWS-2021-0119, 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 ten (10) days prior to all pre-construction meetings;
 - c. At least ten (10) days prior to conducting initial in-water work activities; and
 - d. Within seven (7) days of completion of each 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.
4. The LeGrow Water Company (Stephen Paget) shall revise the Water Quality Monitoring and Protection Plan (WQMPP) to include contractor-specific information. The revised Plan, in addition to the Spill Prevention, Control, and Countermeasure (SPCC) plan, shall be submitted to Ecology's Federal Permit Manager (per Condition 2 of this Order) **for review** at least 30 days prior to beginning any work covered by this WQC Order.
 - Justification - This condition is necessary to ensure that the monitoring and BMPs that are proposed by the Project Proponent and authorized by Ecology are conducted to protect water quality. 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.
5. A pre-dredge meeting is required to be convened prior to the start of dredging. A contractor-specific Dredging Plan (consistent with the approved Dredging Plan) shall be submitted to Ecology per Condition 2 two weeks prior to the pre-dredge meeting.

- Justification - Ecology needs to meet with the Project Proponent and contractor to go over the work plan prior start of work to ensure that the plan reflects the project that has been authorized by this WQC Order. This condition is intended to assure the Project Proponent remains in full compliance with state water quality requirements for the duration of the project.
 - Citation - Chapter 70A.200 RCW, Chapter 77.55 RCW, RCW 79.02.300, Chapter 90.48 RCW, RCW 90.48.030, RCW 90.48.080, Chapter 90.52-040 RCW, RCW 90.54.020(2)(b), Chapter 173-201A WAC, WAC 173-201A-240(5)(b), WAC 173-201A-300, WAC 173-201A-330, WAC 173-204-400(2), WAC 173-225-010, and Chapter 220-660 WAC.
6. Monitoring results shall be submitted monthly to Ecology's Federal Permit Manager, per condition 2.
- 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
7. This WQC Order does not authorize the LeGrow Water Company (Stephen Paget) to exceed applicable turbidity standards beyond the limits established in Chapter 173-201A WAC as set forth below, unless otherwise authorized in this WQC Order:
- a. Temporary area of mixing for turbidity established within the state water quality standards for fresh waters (WAC 173-201A-200) is as follows:
 - 01. For waters up to 10 cfs flow at the time of construction, the point of compliance shall be one hundred feet downstream from the activity causing the turbidity exceedance.
 - 02. For waters above 10 cfs up to 100 cfs flow at the time of construction, the point of compliance shall be two hundred feet downstream of the activity causing the turbidity exceedance.
 - 03. For waters above 100 cfs flow at the time of construction, the point of compliance shall be three hundred feet downstream of the activity causing the turbidity exceedance.

04. For projects working within or along lakes, ponds, wetlands, or other non-flowing waters, the point of compliance shall be at a radius of one hundred fifty feet from the activity causing the turbidity exceedance.
- 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.
8. All dredging is to be done using hydraulic dredge. Ecology must approve any other dredging method prior to its use.
- Justification - Ecology has reviewed the project and the BMPs for a specific type of dredging. Changes to the dredging method would require different BMPs. If new dredging methods are proposed, a new WQC pre-filing meeting request, followed by a new WQC request (after requisite 30-days) is required.
 - Citation - Chapter 90.48 RCW, RCW 90.48.030, RCW 90.48.080, Chapter 90.52-040 RCW, Chapter 90.54.020(2)(b) RCW, Chapter 173-201A WAC, Chapter 173-201A-240(5)(b) WAC, and Chapter 173-204-400(2) WAC, and WAC 173-225-010.
9. Dredging operations shall be conducted in a manner that minimizes the disturbance and siltation of adjacent waters and prevents the accidental discharge of petroleum products, chemicals or other toxic or deleterious substances into state waters.
- 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 90.56 RCW, Chapter 173-201A WAC, WAC 173-201A-300 - 330, WAC 173-204-120, and WAC 173-225-010.
10. To transfer this WQC Order to a new owner or operator LeGrow Water Company (Stephen Paget) shall:
- a. Complete a Request for Transfer of Order with a specific transfer date of the WQC Order's obligations, coverage, and liability and submit it to Ecology at

fednotification@ecy.wa.gov and cc to Federal Permit Manager. Link to form: <https://apps.ecology.wa.gov/publications/SummaryPages/ECY070695.html>;

- b. Provide a copy of this WQC Order to the new owner or operator; and
 - c. The transfer is not considered valid until the Project Proponent receives written notification from Ecology that the transfer has been approved.
 - Justification – Ecology has independent state authority to ensure protection of state water quality. Ecology needs to ensure that anyone conducting work at the project, including any new owners or operators, are aware of and understand the required conditions of this WQC Order to ensure compliance with the water quality standards and other applicable state laws.
 - Citation – 40 CFR 121.5, Chapter 90.48 RCW, RCW 90.48.030, Chapter 173-201A WAC, and WAC 173-225-010.
11. 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 prohibited. If such work, conditions, or discharges occur, immediately notify 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 Division 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.
- Justification - This condition is necessary to prevent oil and 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. 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 90.56 RCW, RCW 90.56.280, Chapter 173-201A WAC, WAC 173-201A-300 - 330, WAC 173-204-120, WAC 173-225-010, and WAC 173-303-145.

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 LeGrow Water Company (Stephen Paget) for the Intake Pipe and Screen Replacement project.

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:

Taylor Belisle

Department of Ecology

360-742-8814

Taylor.Belisle@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>
- **[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)**
<http://apps.leg.wa.gov/WAC/default.aspx?cite=173-200>

WQC Order No. 22565, Corps No. NWS-2021-0119

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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

Dated this 14th day of November 2024 at the Department of Ecology, Lacey, Washington.



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