



STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY

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

December 10, 2024

J. E. McAmis, Inc
Attn: Scott Vandergrift
621 Country Dr
Chico, CA 95928

Re: Amendment to 401 Water Quality Certification Order No. **18253** for U.S. Army Corps of Engineers Reference No. **NWS-2019-0953**, Lower Columbia River Maintenance Dredging, Lower Columbia River, near Skamokawa, Longview, and Vancouver, in Wahkiakum, Cowlitz, and Clark counties, Washington.

Dear Scott Vandergrift:

Enclosed is an amendment to Water Quality Certification Order No. 18253, issued on August 26, 2020, 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. 18253 remain in effect.

The purpose of this amendment is to extend the coverage date of the 401 WQC to match the coverage date for the U.S. Army Corps of Engineers (Corps) permit. Condition C1 is being amended to remain in effect until 7/9/2031.

If you have any questions, please contact Laura Inouye at 360-515-8213. The enclosed Amendment may be appealed by following the procedures described in the Amendment.

Sincerely,

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

Enclosures (2)

First Amendment to Order No. 18253
Aquatics No. 138663, Corps No. NWS-2019-0953
December 10, 2024
Page 2 of 2

By certified mail: 9489 0090 0027 6391 8523 54

Sent via e-mail: scott@jemcamis.com

E-cc: Danette Guy, U.S. Army Corps of Engineers
Josh Elliott, Maul Foster
Michael Tarbert, Maul Foster
George Fornes, WDFW
Laura Inouye, Ecology
Erin Hanlon Brown, Ecology
ecyrefedpermits@ecy.wa.gov

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

J. E. McAmis, Inc
Attn: Scott Vandergrift
621 Country Dr
Chico, CA 95928

WQC Order No.	18253, First Amendment
Corps Reference No.	NWS-2019-0953
Site Location	Lower Columbia River Maintenance Dredging project located within Lower Columbia River, River Miles 28-36 (Skamokawa), and 66-76 (Longview), and RM 100-106.5 (Vancouver), in Wahkiakum, Cowlitz, and Clark counties, Washington.

On August 26, 2020, the Washington Department of Ecology (Ecology) issued a 401 Water Quality Certification to J.E. McAmis, Inc for the above-referenced project pursuant to the provisions of 33 U.S.C. 1341 (FWPCA § 401).

Ecology received a request to extend the coverage date of the 401 WQC to match the Corps coverage date.

WQC Order No. 18253 dated August 26, 2020, is hereby amended as follows:

I. Condition number C1 which reads:

This Order shall remain in effect for a period of five (5) years from the date of issuance of the Corps permit. 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 exceed a total of ten (10) years total.

Is replaced with:

This Order shall remain in effect until 7/9/2031.

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://eluh.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:

Laura Inouye
Department of Ecology
360-515-8213
Laura.Inouye@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 December 2024 at the Department of Ecology, Lacey, Washington.



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

This document shows the activities and/or 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.

IN THE MATTER OF GRANTING A) ORDER # 18253, First Amendment
WATER QUALITY) Corps Reference No. NWS-2019-0953
CERTIFICATION TO) Maintenance dredge Lower Columbia River,
J. E. McAmis Inc.) located in Cowlitz and Wahkiakum Counties,
in accordance with 33 U.S.C. 1341) Washington.
(FWPCA § 401), RCW 90.48.120, RCW)
90.48.260 and Chapter 173-201A WAC)

J. E. McAmis, Inc
Attn: Scott Vandergrift
621 Country Dr
Chico, CA 95928

On October 5, 2019, the Department of Ecology (Ecology) received a request from J. E. McAmis Inc. for a Section 401 Water Quality Certification (WQC) for maintenance dredging on the Lower Columbia River. Ecology issued a public notice for the project on October 15, 2019.

This project includes dredging of up to 50,000 cubic yards (CY) of sediment per year from the Columbia River federal navigational channel. Material would be transported via a floating derrick barge to the applicant's upland site in Longview, Washington, and dewatered prior to processing for commercial sale. Dredging would target a depth of -43 feet Columbia River Datum (CRD) with an overall depth of -45 feet CRD, and is limited to the areas indicated in the maps in Attachment B.

This project is located in the Columbia River between River Miles (RM) 14 to 22 near Astoria, Clatsop County, Oregon; RM 28 to 36 near Skamakowa, Wahkiakum County, Washington, RM 66 to 76 near Longview, Cowlitz County, Washington, and RM 100 to 106.5 near Vancouver, Clark County, Washington.

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 comply with 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 J. E. McAmis 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 certification absolves Applicant from liability for contamination and any subsequent cleanup of surface waters, ground waters or sediments resulting from project construction or operations.

A. General Conditions

1. In this Order, the term “Applicant” shall mean the J. E. McAmis and its agents, assignees, and contractors.
2. All submittals required by this Order shall be sent to Ecology Headquarters Office, Attn: Federal Permit Manager, PO Box 67600, Olympia, Washington 98504-7600, or via e-mail to fednotification@ecy.wa.gov and cc to laura.inouye@ecy.wa.gov. The submittals shall be identified with Order #18253 and include the Applicant name, project name, project contact, and the contact phone number.
3. Work authorized by this Order is limited to the work described in the JARPA received by Ecology on October 5, 2019.
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 any 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 is not effective until the Corps of Engineers Seattle District issues a permit for this project.

7. The Applicant shall send (per A.2.) a copy of the final Corps permits (404/10) to Ecology's Federal Permit Manager within two weeks of receiving it.
8. The Applicant shall keep copies of this Order 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.
9. 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.
10. 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. Further, Ecology retains continuing jurisdiction to make modifications hereto through supplemental order, if additional impacts due to project construction or operation are identified (e.g., violations of water quality standards, downstream erosion, etc.), or if additional conditions are necessary to further protect water quality.
11. 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 may issue an amendment to this Order to incorporate any such changes or amendments applicable to this project.
12. The Applicant shall ensure that all project engineers, contractors, and other workers at the project site with authority to direct work 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 signatory that s/he has read and understands the conditions of this Order and the above-referenced permits, plans, documents and approvals. These statements shall be provided to Ecology before construction begins.
13. This Order does not authorize direct, indirect, permanent, or temporary impacts to waters of the state or related aquatic resources, except as specifically provided for in conditions of this Order.
14. Failure of any person or entity to comply with the Order may result in the issuance of civil penalties or other actions, whether administrative or judicial, to enforce the terms of this Order.
15. This Order will automatically transfer to a new owner or operator if:
 - a. A written agreement between the Applicant and new owner or operator with the specific transfer date of the Order's obligations, coverage, and liability is submitted to Ecology per condition A.2.;
 - b. A copy of this Order is provided to the new owner or operator; and

- c. If Ecology does not notify the new Applicant that this Order must be modified to complete the transfer.

B. Notification Requirements

1. The following notification 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 laura.inouye@ecy.wa.gov. Notifications shall be identified with Order No. 18253 and include the Applicants name, project name, project location, project contact and the contact's phone number.
 - a. Immediately following a violation of state water quality standards or when the project is out of compliance with any of this Orders conditions.
 1. In addition to the phone or e-mail notification, the Applicant shall 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 to be taken to prevent a recurrence, results of any samples taken, and any other pertinent information.
 - b. At least ten (10) days prior to all pre-dredge meetings
 - c. At least ten (10) days prior to conducting any dredging for each in-water work window.
 - d. At least seven (7) days within project completion of each dredging cycle.

C. Timing

1. This Order shall remain in effect ~~until 7/9/2031 for a period of five (5) years from the date of issuance of the Corps permit. 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 exceed a total of ten (10) years total.~~
2. In-water work shall be conducted between October 1 and December 31 of any year, unless otherwise approved by Ecology.
3. Any project change that requires a new or revised Hydraulic Project Approval (HPA) from the Department of Fish and Wildlife should be sent to Ecology for review.

D. Water Quality Monitoring & Criteria

1. Columbia River is categorized as spawning and rearing aquatic life uses. The criteria of the categorization apply as described in WAC 173-201A-200 (1), except as specifically modified by this Order.
2. Visible turbidity anywhere beyond the temporary area of mixing (point of compliance) from the activity shall be considered an exceedance of the standard. A Water Quality Monitoring Plan (WQMP) shall be submitted for review and approval as per condition E.7.e.

3. Monitoring results shall be submitted weekly to the Ecology Federal Permit Manager, per condition A.2.
4. Mitigation and/or additional monitoring may be required if the monitoring results indicate that the water quality standards have not been met.
5. If water quality exceedances for turbidity 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.

E. Dredging and Disposal

1. All dredging is to be done using a clamshell dredge. **Use of any other type of dredge requires preapproval from Ecology.**
2. All dredged material will be taken to the applicant's upland site in Longview, Washington. **Use of any other type of disposal method or location requires pre-approval by Ecology.**
3. 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.
4. Dredged material shall not be temporarily or permanently stockpiled below the OHWM.
5. Barges shall not be allowed to ground-out during in-water construction.
6. Barges shall be kept free of material that could be blown into water.
7. A pre-dredge meeting is required to be convened prior to the start of each dredging cycle. A **Dredging and Disposal Workplan** is required and shall be submitted to Ecology to the 401/CZM Federal permit manager at the address shown in Condition A2 for review and approval 2 weeks prior to the pre-dredge meeting. The *Dredging and Disposal Workplan* shall include the following:
 - a. General information including schedule, primary contact, and hours of operation
 - b. Dredged quantities and disposal location
 - c. Dredging procedures and sequence
 - d. Equipment list
 - e. A Water Quality Monitoring plan for visual water quality monitoring procedures for both dredging and disposal (return water) locations, including:
 - i. Methods (where observations are occurring)
 - ii. Monitoring frequency

- iii. Data reporting template
- iv. Procedures in case plume is observed at or beyond the point of compliance.

NOTE: If the dredging and disposal will be conducted per the previously approved plan the Applicant can submit a written statement to Ecology indicating that the dredging and disposal shall be conducted per the previous plan.

- 8. Prior to each dredging cycle, the Applicant shall contact the DMMP agencies to determine whether additional sediment testing is required. If additional testing is required, no dredging or disposal shall be conducted until the material has been tested and a suitability determination has been issued. This area ranks very low in potential for contamination and the recency determination extends until March 2026. Contact the DMMO for a possible extension on the suitability determination.
- 9. Dredging shall be confined to the existing federal navigational channel.
- 10. Post-dredge bathymetric surveys and dredge volumes shall be reported to Ecology within 30 days of completion of each dredging season.

F. Emergency/Contingency Measures

- 1. The Applicant shall develop and implement a spill prevention and containment plan for this project.
- 2. The Applicant shall have adequate and appropriate spill response materials on hand to respond to emergency release of petroleum products or any other material into waters of the state.
- 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. Work causing distressed or dying fish, discharges of oil, fuel, or chemicals into state waters or onto land with a potential for entry into state waters, is prohibited. If such work, conditions, or discharges occur, the Applicant shall notify the Ecology Federal Permit Manager per condition B.1. and immediately take the following actions:
 - a. Cease operations at the location of the non-compliance.
 - b. Assess the cause of the water quality problem and take appropriate measures to correct the problem and/or prevent further environmental damage.
 - c. In the event of a discharge of oil, fuel, or 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.

- d. Immediately notify Ecology's Regional Spill Response Office 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.
 - e. Immediately notify the National Response Center at 1-800-424-8802, for actual spills to water only.
5. Notify Ecology's Regional Spill Response Office immediately if chemical containers (e.g. drums) are discovered on-site or any conditions present indicating disposal or burial of chemicals on-site that may impact surface water or ground water.

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