



STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY

Eastern Region Office

4601 North Monroe St., Spokane, WA 99205-1295 • 509-329-3400

10/21/2025

Pacific Power
Attn: Noel Sanyal
825 NE Multnomah Street, Ste. 1700
Portland, OR 97232

Re: Water Quality Certification Order No. **24181** (Corps No. **NWS-2025-648**), Patit Creek
Bank Stabilization, Columbia County, Washington

Dear Noel Sanyal:

On August 22, 2025, Pacific Power submitted a request for a Section 401 Water Quality Certification (WQC) under the federal Clean Water Act for the Patit Creek Bank Stabilization, Columbia 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 Mindi Sheer at (509) 601-9546. The enclosed WQC Order may be appealed by following the procedures described within.
Sincerely,

Jeremy Sikes, Section Manager
Eastern Regional Office
Shorelands and Environmental Assistance Program

Enclosure (1)

By certified mail: [9214 8901 9403 8338 9343 21]

WQC Order No. 24181, Corps No. NWS-2025-648

Aquatics ID No. 145966

10/21/2025

Page 2 of 2

Sent via e-mail: noel.sanyal@pacificorp.com

Ecc: Colleen Anderson, U.S. Army Corps of Engineers

David Karl, WDFW

Jennie Weathered, Ecology

Jeff Walker, AECOM

Erin Hanlon Brown, Ecology

Mindi Sheer, Ecology

ecyrefedpermits@ecy.wa.gov

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

Pacific Power
Attn: Noel Sanyal
825 NE Multnomah Street, Ste. 1700
Portland, OR 97232

WQC Order No.	24181
Corps Reference No.	NWS-2025-648
Site Location	Patit Creek Bank Stabilization located within Patit Creek, near Dayton, Columbia County, Washington.

Pacific Power submitted a request for a Section 401 Water Quality Certification (WQC) under the federal Clean Water Act for the Patit Creek Bank Stabilization, Columbia County, Washington. The required processing dates are listed below:

- On 8/20/2025, Ecology received a Pre-filing meeting request.
- On 8/22/2025, Ecology received a request for Clean Water Section 401 Water Quality Certification.
- On 9/4/2025, Pacific Power submitted additional information, and the Department of Ecology (Ecology) considered the Request valid on this date.
- On 9/18/2025, Ecology issued a public notice for the project.
- Ecology's "Reasonable Period of Time" for this project has been established as 3/4/2026.

Pacific Power proposes to use riprap to stabilize a section of the streambank near one of its transmission poles (Pole 11/036) to reduce the risk of pole failure. Pole 11/036 is part of the Walla Walla-Dry Gulch 69 kV line that provides electric power to Dayton, Waitsburg, and Pomeroy. It is located along Patit Creek, just west of the Patit Road bridge. Recent flood damage has resulted in erosion of the streambank near the pole. Further erosion could cause the pole to fail, resulting in a power outage and a larger repair footprint. To stabilize the area and prevent additional erosion, Pacific Power proposes to place clean fill (i.e., cobble and riprap) at the base of the pole and along the streambank. Riprap will be placed in the stream channel only to the minimum extent necessary to provide effective bank protection. Sediment excavated from the streambed will be washed back into the lower 3 feet of the placed cobble and riprap to fill the voids and prevent a "sieve effect," which could leave the stream channel dry and create a barrier to fish passage.

The project site is located in Dayton, Patit Creek, Columbia County, Washington, SE ¼ of Section 17, Township 10 N., Range 39E., within Water Resource Inventory Area (WRIA) 32 Walla Walla.

With this WQC Order, Ecology is granting with conditions Pacific Power's request for a Section 401 Water Quality Certification for the Patit Creek Bank Stabilization project, provided that the activity is conducted in accordance with the Section 401 Water Quality Certification request and attachments Ecology received on 8/22/2025, and the following supporting documentation:

1. Visual Water Quality Monitoring Plan received and dated 10/09/2025.

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, Pacific Power 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 Pacific Power 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 Pacific Power 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. 24181 will remain valid for the duration of the associated Corps permit.
 - 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. Pacific Power shall send a copy of the final Federal permit via e-mail to fednotification@ecy.wa.gov and cc to Mindi.Sheer@ecy.wa.gov 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, Pacific Power 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. To transfer this WQC Order to a new owner or operator Pacific Power 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 Mindi.Sheer@ecy.wa.gov. 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 Pacific Power 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.
4. For in-water activities within fresh waters (including wetlands) turbidity shall not exceed 5 NTU over background when the background is 50 NTU or less; or a 10% percent increase in turbidity when the background turbidity is more than 50 NTU.
 - 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.
5. If water quality exceedances for turbidity are observed outside the point of compliance, work shall cease immediately and the Pacific Power 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.
6. All work in and near waters of the state shall be conducted to minimize turbidity, erosion, and other water quality impacts. Construction stormwater, sediment, and erosion control Best Management Practices (BMPs) suitable to prevent exceedances of state water quality standards shall be in place before starting maintenance and shall be maintained throughout the duration of the activity.
- Justification - Disturbed areas without appropriate BMPs and construction methods can discharge excess sediment to waters of the state and degrade 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, Chapter 90.48.030 RCW, Chapter 90.48.080 RCW, Chapter 173-201A WAC, Chapter 173-201A-300-330 WAC, Chapter 173-204-120 WAC, and Chapter 173-225-010 WAC.
7. 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 Pacific Power for the Patit Creek Bank Stabilization 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, in paper form, by mail, or in person (see addresses below). E-mail is not accepted.

You must also comply with other applicable requirements in Chapter 43.21B RCW and Chapter 371-08 WAC.

Filing an appeal with the PCHB

For the most current information regarding filing with the PCHB, visit: <https://elaho.wa.gov> or call: 360-664-9160.

Address and location information

Street Address:

Department of Ecology
Attn: Appeals Processing Desk
300 Desmond Drive SE
Lacey, WA 98503

Mailing Address:

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:

Mindi Sheer

Department of Ecology

509-601-9546

Mindi.Sheer@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>

WQC Order No. 24181, Corps No. NWS-2025-648

Aquatics ID No. 145966

10/21/2025

Page 7 of 7

- **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 21st day of October 2025 at the Department of Ecology, Spokane, Washington.



Jeremy Sikes, Section Manager
Eastern Regional Office
Shorelands and Environmental Assistance Program