



STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY

4601 N. Monroe Street • Spokane, Washington 99205-1295 • (509) 329-3400

February 3, 2020

Sandra Shelin
US Army Corps of Engineers
Walla Walla District
201 N. 3rd Avenue
Walla Walla, WA 99362-1876

Dear Sandra Shelin:

On December 10, 2019, the Department of Ecology (Ecology) received the US Army Corps of Engineers (Corps) Section 401 Water Quality Certification request for the Ice Harbor Dam Navigation Lock Upstream Floating Guidewall cable repair. A public notice regarding the request was distributed by Ecology for the above-referenced project pursuant to the provisions of Chapter 173-225 WAC on December 31, 2019.

This project includes the removal of approximately 2,000 cubic yards of sediment from the anchor block in the forebay of Ice Harbor Dam using a hydraulic pump and suction hose. This project also includes the in-water disposal of the dredged material in the forebay area. The location of the in-water disposal site is 400 feet northwest of the dredging location.

On behalf of the State of Washington, Ecology certifies that the work described in the December 10, 2019, Request for Water Quality Certification and December 31, 2019 public notice complies with applicable provisions of Sections 301, 302, 303, 306, and 307 of the Clean Water Act, as amended, and applicable state laws. The certification is subject to the conditions contained in the enclosed Order.

If you have any questions, please contact Hallie Ladd at hallie.ladd@ecy.wa.gov or (509) 329-3474. The enclosed Order may be appealed by following the procedures described in the Order.

Sincerely,

Sara Hunt
Section Manager
Shorelands and Environmental Assistance Program
Eastern Regional Office – Spokane

e-cc: lora461@ecy.wa.gov
ecyrefedpermits@ecy.wa.gov

IN THE MATTER OF GRANTING A)	ORDER #18001
WATER QUALITY)	Corps Reference No. CENWW-PPL-C 2019-
CERTIFICATION TO)	0104
US Army Corps of Engineers Walla)	Ice Harbor Dam Navigation Lock Upstream
Walla District)	Floating Guidewall Cable Repair, in Franklin
in accordance with 33 U.S.C. 1341)	and Walla Walla Counties, Washington.
(FWPCA § 401), RCW 90.48.120, RCW)	
90.48.260 and Chapter 173-201A WAC)	

TO: Ms Sandra Shelin
US Army Corps of Engineers
Walla Walla District,
201 N. 3rd Avenue
Walla Walla, WA 99362-1876

On December 10, 2019, the Department of Ecology (Ecology) received the US Army Corps of Engineers (Corps) request for a Section 401 Water Quality Certification for the Ice Harbor Dam Navigation Lock Upstream Floating Guidewall cable repair. A public notice regarding the request was distributed by Ecology for the above-referenced project pursuant to the provisions of Chapter 173-225 WAC on December 31, 2019.

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AUTHORITIES:

In exercising authority under 33 U.S.C. § 1341, RCW 90.48.120, and RCW 90.48.260, Ecology has examined 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 173-200A 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 173-200A 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. For purposes of this Order, the term "Applicant" shall mean the US Army Corps of Engineers Walla Walla District and its agents, assignees and contractors.
2. For purposes of this Order, all submittals shall be sent to Ecology's Eastern Regional Office, Attn: Federal Permitting Manager, 4601 N. Monroe St., Spokane, WA 99205 or via e-mail (preferred), to fednotification@ecy.wa.gov, with a cc: to Ecology's Federal Permit Manger, Hallie Ladd at hallie.ladd@ecy.wa.gov.
3. Work authorized by this Order is limited to the work described in the Joint Aquatic Resource Permit Application (JARPA) received by Ecology on December 10, 2019. The Applicant will be out of compliance with this Order and must submit an updated JARPA if the information contained in the JARPA is voided by subsequent changes to the project not authorized by this Order.
4. Within 30 days of receipt of an updated JARPA, Ecology will determine if the revised project requires a new water quality certification and public notice or if a modification to this Order is required.
5. 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.
6. The Applicant shall provide access to the project site upon request by Ecology personnel for site inspections, monitoring, necessary data collection, and/or to ensure that conditions of this Order are being met.

7. 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.
8. 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 begins at the project.
9. 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.
10. 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 its terms.

B. Water Quality Conditions

1. This order does not authorize temporary exceedances of water quality standards beyond the limits established in WAC 173-201A-200, except as modified by this Order.
 - The area of mixing established for this project is 300 ft downstream of the in-water work zone. Turbidity occurring outside that zone that is more than 5 nephelometric turbidity units (NTU) over background when the background is 50 NTU or less, or a 10% increase in turbidity when the background turbidity is more than 50 NTU is a violation of the turbidity water quality standard.
 - The compliance station for the in-water disposal about 300 feet from the disposal area to evaluate whether disposed material moves towards the turbine units of Ice Harbor Dam. Turbidity at this compliance point shall not exceed:
 - 5 NTUs above background when background levels are 50 NTUs or less.
 - A 10 percent increase when the background is more than 50 NTUs.

C. Water Quality Monitoring

1. The Applicant shall follow the water quality monitoring plan approved by Ecology on January 28, 2020. Any changes in this plan shall be approved by Ecology prior to any in-water work.
2. Turbidity monitoring reports shall be sent weekly to the Federal Permit Manager (Condition A2). The permit coordinator shall be contacted within 24 hours if an exceedance occurs.

C. Dredging and Disposal:

1. Prior to dredging, the Applicant shall obtain a written suitability determination from the DMMP agencies. No dredging or disposal shall be conducted until the material has been tested and a suitability determination has been issued.
2. All dredging is to be done using a hydraulic pump and suction hose. **Use of any other type of dredge will require prior approval from Ecology.**
3. All dredged material will be disposed of at the in-water disposal site. The in-water disposal site is located 400 feet northwest of the dredging location, on the downstream side of an old coffer dam. The discharge end of the hose will be placed on the river bottom, at the upstream end of the disposal area. **Use of any other method or location of disposal will require prior approval from Ecology.**

E. Timing Requirements:

1. All in-water work shall be completed between Dec 1st and March 31st of 2020.
2. This Order shall remain in effect until April 1st, 2020. .

F. Notification Requirements:

1. The Applicant shall provide notice to Ecology's Federal Permit Manager at least one day prior to the start of dredging and within 7 days after completion of dredging.

G. Emergency/Contingency Measures:

1. The Applicant shall develop a spill prevention and containment plan for this project, and shall have spill cleanup materials and an emergency call list available on site.
2. Any work that is out of compliance with the provisions of this Order, or conditions causing distressed 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 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 measures to correct the problem and/or prevent further environmental damage.
 - c. In the event of finding distressed or dying fish, the applicant shall 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 the applicant is instructed by Ecology on what to do with them. Ecology may require analyses of these samples before allowing the work to resume.
 - d. 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.
 - e. Immediately notify Ecology's 24-Hour Spill Response Team at 1-800-258-5990, **and** within 24 hours of spills or other events Ecology's 401/CZM Federal permit coordinator at (509)-329-3474
 - 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 to be taken to prevent a recurrence, results of 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, including wetlands.
 4. If at any time during work the proponent finds buried chemical containers, such as drums, or any unusual conditions indicating disposal of chemicals, the proponent shall immediately notify Ecology using the above phone numbers.

YOUR RIGHT TO APPEAL

You have a right to appeal this Order to the Pollution Control Hearing Board (PCHB) within 30 days of the date of receipt of this Order. 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 appeal and a copy of this Order with the PCHB (see addresses below). Filing means actual receipt by the PCHB during regular business hours.
- Serve a copy of your appeal and this Order on 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.

ADDRESS AND LOCATION INFORMATION

Street Addresses	Mailing Addresses
Department of Ecology Attn: Appeals Processing Desk 300 Desmond Drive SE Lacey, WA 98503	Department of Ecology Attn: Appeals Processing Desk PO Box 47608 Olympia, WA 98504-7608
Pollution Control Hearings Board 1111 Israel RD SW STE 301 Tumwater, WA 98501	Pollution Control Hearings Board PO Box 40903 Olympia, WA 98504-0903

CONTACT INFORMATION

Please direct all questions about this Order to:


Hallie Ladd
Department of Ecology, Eastern Regional Office
4601 North Monroe Street
Spokane, WA 99205
509-329-3474
hallie.ladd@ecy.wa.gov

MORE INFORMATION

- **Pollution Control Hearings Board Website**
www.eho.wa.gov/Boards_PCHB.aspx
- **Chapter 43.21B RCW - Environmental and Land Use Hearings Office – Pollution Control Hearings Board**
<http://apps.leg.wa.gov/RCW/default.aspx?cite=43.21B>
- **Chapter 371-08 WAC – Practice And Procedure**
<http://apps.leg.wa.gov/WAC/default.aspx?cite=371-08>
- **Chapter 34.05 RCW – Administrative Procedure Act**
<http://apps.leg.wa.gov/RCW/default.aspx?cite=34.05>
- **Chapter 90.48 RCW – Water Pollution Control**
<http://apps.leg.wa.gov/RCW/default.aspx?cite=90.48>
- **Chapter 173.204 Washington Administrative Code (WAC) Sediment Management Standards**
<http://www.ecy.wa.gov/biblio/wac173204.html>
- **Chapter 173-200 WAC Water Quality Standards for Ground Waters of the State of Washington**
<http://www.ecy.wa.gov/biblio/wac173200.html>
- **Chapter 173-201A WAC Water Quality Standards for Surface Waters of the State of Washington**
<http://www.ecy.wa.gov/biblio/wac173201A.html>

SIGNATURE

Dated this 3rd Day of February 2020 at the Department of Ecology, Spokane, Washington



Sara Hunt, Section Manager
Shorelands and Environmental Assistance Program
Eastern Regional Office