



STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY

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

12-7-2020

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

RE: Second Amendment to Section 401 Water Quality Certification Order #18001 for U.S. Army Corps of Engineers Reference No. CENWW-PPL-C 2019-0104, Ice Harbor Dam Navigation Lock Upstream Floating Guidewall Cable Repair , Snake River, Franklin & Walla Walla Counties, Washington

Dear Ms. Shelin:

Enclosed is the second amendment to Water Quality Certification Order #18001, issued on February 3, 2020, for the above project. All other conditions of Water Quality Certification #1801 remain in effect.

The purpose of this amendment is to extend the expiration date of the order's first amendment to March 31, 2021.

If you have any questions, please contact Hallie Ladd at 509-329-3474. The enclosed Amendment may be appealed by following the procedures described in the Amendment.

Sincerely,

Sara Hunt, Section Manager
Shorelines Environmental Assistance Program, Eastern Region

e-cc:

lora461@ecy.wa.gov

ecyrefedpermits@ecy.wa.gov

IN THE MATTER OF GRANTING) ORDER #18001, Second Amendment
A WATER QUALITY) Ice Harbor Floating Guidewall Amendment
CERTIFICATION TO) Corps Reference No. CENWW-PPL-C 2019-
US Army Walla Corps of Engineers) 0104
Walla Walla District)
In accordance with 33U.S.C. 1341)
(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 February 3, 2020 the Washington Department of Ecology (Ecology) issued a Section 401 Water Quality Certification to the US Army Corps of Engineers Walla Walla District (Corps) for the above-referenced project pursuant to the provisions of 33 U.S.C. 1341 (FWPCA § 401). Then on April 13, 2020 at the request of the Corps, Ecology issued an amendment amending the expiration date.

Ecology received another request on December 2, 2020 from the Corps to extend the expiration date of Order #18001 again. Due to COVID-19 concerns, the Corps halted the remaining dredging and anchor cable replacement work authorized under Order #18001. The Corps plans to complete the dredging and cable installation during the next winter in-water work window of December 15, 2020 - March 31, 2021. The Corps anticipates using the same work methods and work locations as described in the Joint Aquatic Resource Permit Application (JARPA) received by Ecology on December 10, 2019.

Order #18001 1st amendment dated April 13, 2020 is hereby amended as follows:

I. Condition E.2. which reads:

This Order shall remain in effect until February 28th, 2021.

Is replaced with:

This Order shall remain in effect until March 31st, 2021

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 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 both 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
<p>Department of Ecology Attn: Appeals Processing Desk 300 Desmond Drive SE Lacey, WA 98503</p> <p>Pollution Control Hearings Board 1111 Israel Road SW STE 301 Tumwater, WA 98501</p>	<p>Department of Ecology Attn: Appeals Processing Desk PO Box 47608 Olympia, WA 98504-7608</p> <p>Pollution Control Hearings Board PO Box 40903 Olympia, WA 98504-0903</p>

CONTACT INFORMATION

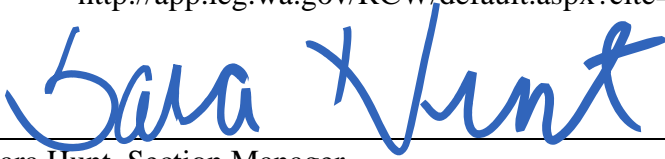
Please direct all questions about this Order to:

Hallie Ladd
Department of Ecology, Eastern Regional Office
4601 North Monroe Street
Spokane, WA 99205

509-329-3474
hallie.lad@ecy.wa.gov

MORE INFORMATION

- **Pollution Control Hearings Board Website**
<http://www.eluho.wa.gov/Board/PCHB>
- **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>



Sara Hunt, Section Manager
Eastern Region, Shorelands and Environmental Assistance Program

DATE: 12-7-2020