



STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY

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

March 2, 2021

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

RE: First Amendment to Section 401 Water Quality Certification Order #15415 for U.S.
Army Corps of Engineers Reference No. PM-EC-2016-17, Swallows Beach Restoration
Project, located in Asotin County, Washington

Dear Bradly Trumbo:

Enclosed is an amendment to Water Quality Certification Order #15415, issued on September 29, 2017, for the above project. All other conditions of Water Quality Certification #15415 remain in effect.

The purpose of this amendment is to update the language regarding the minimum operating pool (MOP) at Lower Granite Reservoir on the lower Snake River.

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
Shorelands and Environmental Assistance Program
Eastern Regional Office – Spokane

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

IN THE MATTER OF GRANTING) **ORDER #15415, First Amendment**
A WATER QUALITY) **Swallows Beach Restoration Amendment**
CERTIFICATION TO) **Corps Reference No. PM-EC-2016-17**
US Army Corps of Engineers)
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: Bradly Trumbo
US Army Corps of Engineers
Walla Walla District
201 North 3rd Avenue
Walla Walla, WA 99362-1876

On September 29, 2017 the Washington Department of Ecology (Ecology) issued a 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).

Ecology received a request on January 11, 2021 from the Corps to update the language concerning the timing of the in-water work activities for the Swallows Beach Restoration Project in Asotin County, WA. Currently, order #15415 states that all in-water work activities shall be restricted to times when the water level in Lower Granite Reservoir is at minimum operating pool (MOP), 733-foot elevation. However, due to the present dam operations and navigation requirements, this specific MOP elevation is not achievable.

Order #15415 dated September 29, 2017 is hereby amended as follows:

I. Condition number C.2., which reads:

All in-water work activities shall be restricted to times when the water level in Lower Granite Reservoir is at minimum operating pool (MOP), 733-foot elevation, (typically the first of April through the end of August).

Is replaced with:

All in-water work activities shall be restricted to times when the water level in Lower Granite Reservoir is at minimum operating pool (MOP), typically the first of April through the end of August).

March 2, 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
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 Road SW STE 301 Tumwater, WA 98501	Pollution Control Hearings Board PO Box 40903 Olympia, WA 98504-0903

March 2, 2021

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

[Do not activate the links. Delete RCW/WAC reference if not included in this Order. Do not delete 43.21B/371-08]

- **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
Shorelands and Environmental Assistance Program
Eastern Regional Office - Spokane

Date: March 2, 2021