STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY
P.O. Box 47600 • Olympia, Washington 98504-7600
(360) 407-6000 • TDD Only (Hearing Impaired) (360) 407-6006

CERTIFIED MAIL

May 5, 2004

Mr. Peter F. Poolman
Corps of Engineers
201 N Third Avenue
Walla Walla, WA 99362-1876

RE: Water Quality Certification/Modification
Corps Public Notice CENWW-PM-PD-E 03-01
Lower Snake River, Winter 2004-2005 Maintenance Dredging

Dear Mr. Poolman:

The above referenced public notice for proposed work in waters of the state has been reviewed in accordance with all pertinent rules and regulation. On behalf of the State of Washington, we certify that there is a reasonable assurance that the work proposed in the public notice can be conducted in a manner that will not violate applicable state water quality standards. This certification is subject to the conditions contained in the enclosed order and may be appealed by following the procedures described in the order. If you have any questions concerning the content of the order, please contact me at (360) 407-6976.

Sincerely,

Brenden McFarland
Environmental Coordination Section Manager
Shorelands and Environmental Assistance Program

cc (via email):
Corps (Sandy Simmons, Jack Sands)
EPA Region 10 (John Malek)
WDFW (Dave Karl)
CRITFC (Bob Heinith)
National Wildlife Federation (Jan Hasselman)

WASHINGTON DEPARTMENT OF ECOLOGY

In the Matter of Granting a Water	)	Order # 1155
Quality Certification/Modification to:	)	Maintenance dredging of
Walla Walla District, Corps of Engineers	)	Lower Snake River 2004-2005
In Accordance with 33 U.S.C. 1341	)	
[FWPCA § 401], RCW 90.48.260, and	)	
WAC 173-201A	)	

To: Mr. Peter F. Poolman
Corps of Engineers
201 N Third Avenue
Walla Walla, WA 99362-1876

On December 17, 2003, a request for water quality certification was made to the State of Washington for the above-referenced project pursuant to the provisions of 33 U.S.C. 1341 (FWPCA § 401). The request for certification was made available for public review and comment by inclusion in Corps Public Notice CENWW-PM-PD-E 03-01.

The proposed project involves the maintenance at nine locations in the lower Snake River which are identified in Table 1 of the Corps Public Notice. Approximately 315,000 cubic yards of sediments will be dredged from various shoals that have developed at each location and restore the authorized depth of the navigation channel, remove sediment from port areas, and provide for recreational use. Sediment deposition reduces water depths to the point where access is impaired. Sediments are to be removed by clamshell dredge, dragline, or backhoe placed upon barges, and then transported to disposal sites identified in the public notice. Included in the proposed maintenance operation is beneficial use of the material to construct a bench and establish riparian habitat.

In exercising its authority under 33 U.S.C. 1341 and RCW 90.48.260, Ecology has investigated this application pursuant to the following:

1. Conformance with the state water quality standards as provided for in Chapter 173-201A WAC authorized by 33 U.S.C. 1313 and by Chapter 90.48 RCW, and with other appropriate requirements of state law.

2. 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.

In view of the foregoing and in accordance with 33 U.S.C. 1341, 90.48.260 RCW and Chapter 173-201A WAC, certification is granted subject to the following conditions:

1. Dredging and Disposal

a) The dredging and disposal operations shall be conducted in a manner to minimize turbidity and prevent the accidental discharge of petroleum products, chemicals or other toxic or deleterious substance into waters of the State.

b) Dredging will be done only by mechanical means (e.g., clamshell, dragline, shovel, etc.). The operations shall occur so that each pass of the mechanical bucket is complete and there is to be no stockpiling in the water. If the selected project bid proposes the use of hydraulic dredging, a revised Order will be required before work begins.

2. Short-Term Modification to the Water Quality Standards

a) The dredging operation may cause water quality effects that will exceed the state water quality criteria specified in WAC 173-201A. Per Section 173-201A-110, Ecology may grant a Modification to the Standards to allow for exceedances of the criteria on a short-term basis when necessary to accommodate essential activities. These reaches of the Snake River are classified as Class A freshwaters and thus the criteria of that class apply except as specifically modified by this order.

b) Mixing zones (or zones of disturbance) can be authorized to allow for temporary exceedances of certain water quality standards in state waters immediately adjacent to a permitted project. For this project, a mixing zone of 300 feet radially from the general site of the dredging/barge loading and disposal/beneficial use operation is considered reasonably sufficient to allow for temporary water quality exceedances. Within the mixing zone, the Class A standard for turbidity is waived. The Class A standard for dissolved oxygen may be exceeded but shall not be caused to drop below 4.0 mg/l at any point within the mixing zone. All other applicable water quality standards shall remain in effect within the mixing zone and all water quality standards are to be met outside of the authorized mixing zone.

c) This modification shall remain in effect for the entire duration of time necessary to complete the work. However, the waiver of specified standards within the mixing zone is intended for brief periods of time (such as a few hours or a day) and is not authorization to exceed those standards for the entire duration of construction. In no case does the waiver authorize degradation of water quality that significantly interferes with or becomes injurious to characteristic water uses or causes long-term harm to this reach of the lower Snake River.

d) This modification is further granted on condition that all reasonable and appropriate "best management practices" are being undertaken to reduce the impacts that may cause exceedances

of water quality standards.

3. Monitoring and Reporting

a) The following water quality parameters shall be monitored for at each dredging and disposal location: dissolved oxygen, pH, conductivity, and turbidity. Sampling shall occur daily approximately two hours after the start of dredging and disposal, and two hours prior to the end of dredging and disposal. Sampling shall only occur during active dredging and disposal operations. Samples shall be taken at the edge of the compliance zone (approximately 300 feet) immediately upstream and downstream of both the dredging and disposal operations at a depth three feet below the surface and three feet above the river bottom.

b) Monitoring requirements of the applicant's *Lower Snake River and Clearwater River Winter 2004-2005 Maintenance Dredging Monitoring Plan* (December 2003) are incorporated as requirements of this certification. Monitoring results must be submitted to the department.

c) Water quality monitoring results shall be compiled and sent to Ecology's Dredging Permit Coordinator via facsimile (360 407-6904) or email (hpre461@ecy.wa.gov) at least once a day during the first week of dredging and disposal operations. If there are no exceedances during the first week of monitoring, then results shall be reported via fax or email once a week.

d) An "As-built" Report documenting the final design of the riparian habitat replacement site shall be prepared and provided to Ecology when site construction is completed. The report shall include, at the minimum, the following: (1) final site topography (plan view); (2) habitat features installed and their locations; and (3) any changes to the habitat design that occurred during construction.

4. Emergency and/or Contingency Measures

If dredging operations are found not to be in compliance with the provisions of this certification/modification, or result in conditions causing distressed or dying fish, the operator shall immediately take the following actions:

a) Cease operations.

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 operator shall collect fish specimens and water samples in the affected area and, within the first hour of such conditions, make every effort to have the water samples analyzed for dissolved oxygen and total sulfides. The department may

require such sampling and analyses before allowing the work to resume.

d) Notify the Department of Ecology and the Department of Fish and Wildlife of the nature of the problem, any actions taken to correct the problem, and any proposed changes in operations to prevent further problems.

5. Spill Prevention and Control.

a) Any discharge of oil, fuel, or chemicals into state waters, or onto land with a potential for entry into state waters, is prohibited.

b) 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. Proper security shall be maintained to prevent vandalism.

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) Spills into state waters, spills onto land with a potential for entry into state waters, or other significant water quality impacts, shall be reported immediately to the department's Eastern Regional Office at (509) 456-2926 (a 24-hour phone number).

6. Timing and Duration

This certification shall cease to be valid after May 4, 2005. However, all in-water work must be completed between December 15, 2004 and March 1, 2005. The date of expiration or date of in-water work may be extended by the department at the request of the permittee.

7. Notification

The Walla Walla District, Corps of Engineers or designated contractor shall notify the department at least 14 days prior to the scheduled start of dredging. Contact Ecology's Dredging Permit Coordinator at (360) 407-6076.

8. Other Requirements

a) Copies of this Order shall be kept on the job site and readily available for reference by Corps and Ecology personnel, the contractor, and other appropriate state or local inspectors.

b) The Department of Ecology, Environmental Coordination Section retains jurisdiction to make

modifications hereto through supplemental order, if it appears necessary to protect the public interest during the modification period.

c) This certification does not exempt and is provisional upon compliance with other statutes and codes administered by federal, state, and local agencies.

d) This certification shall cease to be valid if the project is constructed and/or operated in a manner not consistent with the project description contained in the construction plans and specifications.

9. Penalties

Failure to comply with this Order may result in the issuance of civil penalties or other actions, whether administrative or judicial, to enforce the terms of this Order.

10. Appeal Process

Any person aggrieved by this Order may obtain review thereof by appeal. The applicant can appeal up to thirty (30) days after receipt of this Order, and all others can appeal up to 30 days from the postmarked date of this Order. The appeal must be sent to the Washington Pollution Control Hearings Board, PO Box 40903, Olympia, WA 98504-0903.

Concurrently, a copy of the appeal shall be sent to the Department of Ecology, Enforcement Section, PO Box 47600, Olympia WA 98504-7600 and the Department of Ecology, SEA Program, Attn: Dredging Permit Coordinator. These procedures are consistent with the provisions of Chapter 43.21B RCW and the rules and regulations adopted there under.

Dated May 5, 2004 at Lacey, Washington

Brenden McFarland
Environmental Coordination Section Manager
Department of Ecology
State of Washington