



Oregon

Kate Brown, Governor

Department of Environmental Quality

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March 31, 2015

Coyote Island Terminal, LLC
Attention: Mr. John Thomas
1211 SW 5th Ave., Suite 700
Portland, OR 97204

RE: # 2012-00056; 401 Water Quality Certification for the Coyote Island Terminal

Dear Mr. Thomas:

The Department of Environmental Quality (DEQ) has reviewed the Permit Application (#2012-00056) received by DEQ on April 1, 2014, requesting a 401 Water Quality Certification (WQC) for the Coyote Island Terminal Export Facility. The Applicant, Coyote Island Terminal, LLC (CIT), proposes impacts to the Columbia River which may result in a discharge to waters of the United States. Impacts are slated as a result of construction of a coal export facility, including a transfer shed, storage buildings, conveyors, a walkway, dock and dolphins.

Background: The DEQ received 401 WQC application materials from the CIT on April 1, 2014 for activities at the proposed Morrow Pacific Coal Export Facility. The DEQ determined the in-water activities associated with the Coyote Island Terminal would result in more than a de minimis discharge to the Columbia River, and requested that the project obtain a 401 water quality certification to ensure compliance with state water quality standards and other applicable laws. The Department of Environmental Quality placed the draft water quality certification and the draft of this evaluations and findings on public notice on July 21, 2014, and held a public hearing during this time. The public notice expired on September 24, 2014. DEQ received thousands of comments. Substantive comments have been considered in this final 401 WQC.

In addition to the US Army Corps of Engineers (USACE) Section 10 permit required for this project, a permit from the Oregon Department of State Lands (DSL) is also required. CIT initially applied to the DSL for this permit on February 1, 2012. On August 18, 2014, DSL denied the permit. This decision is currently in appeal. Because of this denial, on September 9, 2014, the USACE elected to suspend its review of the project. DEQ chose to continue its review of the project; however, this 401 WQC is not valid unless the DSL and the USACE permits are issued.

Project Area: The project is located in the Port of Morrow Complex on Lewis and Clark Drive, in Boardman, Morrow County, Oregon (Section 2, Township 4 North, Range 25 East) (the "Site"). The facility itself will be located in and adjacent to the Columbia River, at River Mile 271. The Site is approximately 41 acres.

Status of Affected Waters of the State: At river mile 271, the Columbia River is classified as water quality limited under the Clean Water Act, Section 303(d) list for the parameters of PCB, pH, mercury, and temperature, and with potential concern for the parameter of Phosphate Phosphorus.

Total Maximum Daily Loads (TMDLs) have been developed by DEQ and approved by the U.S. Environmental Protection Agency (EPA) for the parameters of Dioxin (2,3,7,8-TCDD) and Total Dissolved Gas.

Designated beneficial uses in the Columbia River potentially impaired by the above listed parameters include: public and private domestic water supply, industrial water supply, irrigation, livestock watering, anadromous fish passage, salmonid fish rearing and spawning, resident fish and aquatic life, wildlife and hunting, boating, fishing, water contact recreation, aesthetic quality, hydropower, and commercial navigation and transportation.

DEQ Fish Use Designations published by DEQ in Oregon Administrative Rule (OAR) 340 Division 041, Table 101B designate the Columbia River Mainstem as a salmon and steelhead migration corridor.

Project Description: The purpose of the project is to build a facility that will receive, store, and transfer coal from trains to barges. The facility will accept trains arriving on existing rail lines where coal will be offloaded into an enclosed rotary railcar unloading building via an electronic powered positioning system. Coal will be unloaded to below-ground hoppers to an enclosed conveyor system where it will be transferred either directly to a barge, or to one of three storage buildings. Coal entering a storage building will be dropped from an overhead conveyor into a pile in the center of the building. Coal to be loaded on barges will be pulled off the pile by a storage reclaimer conveyor where it will then be transferred to a loadout conveyor, which will pass the material through two transfer towers with conveyance transfers, and onto the barge loading conveyor. Barges will be loaded with a retractable loading chute below deck, minimizing dust emissions.

DEQ's 401 program reviews any potential impacts to water quality due to the construction and operation of the facility. This includes in-water work, as well as upland work, which may contribute pollutants to state waters. DEQ reviews a post construction stormwater management plan (SWMP) as part of the WQC. The plan ensures that any stormwater runoff from new and existing impervious surfaces is treated for the life of the facility.

Elements of the proposed work include:

In-Water Work: A total of 194 new piles will be installed as part of this project to support six breasting dolphins, two mooring dolphins, and for the construction of a walkway, conveyor, and dock structure. Of these, 160 will be installed below the ordinary high water elevation (OHWE). Temporary template piles will be installed prior to final placement of permanent piles, resulting in 265.5 cubic yards of temporary fill. As permanent piles are installed, temporary template piles will be removed. Piles will be installed via vibratory hammer and impact hammer.

Additional project elements include:

Elevated Fixed Dock: The dock will be 6 feet wide by 275.5 feet long, grated, and supported by four bents. Each bent will have two 16-inch diameter round steel piles installed to

approximately 35 feet below the river bottom. Six piles will be installed below OHWE.

Conveyor: The elevated conveyor will be 30 feet wide by 270 feet long, and supported by three reinforced concrete capped support bents. One bent will be entirely above the OHWE and will have 32 16-inch diameter steel round piles installed to 35 feet. The other two bents will each consist of 10, 24-inch diameter steel round piles installed to 35 feet.

Elevated Fixed Walkway: The walkway will be four feet wide by 1,160 feet long, and will be supported by 30 support bents. Each bent will consist of two 14-inch diameter steel round piles installed to 25 feet. The surface of the walkway will consist of grated expanded metal decking.

Mooring Dolphins: Two mooring dolphins will be installed, each consisting of six 16-inch diameter battered steel piles.

Breasting Dolphins: Seven breasting dolphins will be installed. Six dolphins will consist of six 16-inch diameter battered steel piles and one will consist of five 16-inch battered steel piles. Three 18-inch high density polyethylene (HDPE) fender piles will also be installed per breasting dolphin.

The total number of piles as well as total area amount of fill below Ordinary High Water Elevation (OHWE) due to the construction of the dock, conveyor, walkway, and dolphins, is below.

Structure	Number of piles below OHWE	Number of piles above OHWE	Temporary Fill Below OHWE (CY)	Permanent Fill Below OHWE (CY)	Total Impact Below OHWE (SF)
Fixed Dock	6	2	37.5	144	71
Conveyor	20	32			
Fixed Walkway	60		137	142	66
Mooring Dolphin	12		82	286	112
Breasting Dolphin	41				
Dolphin Face	21				
Total	160	34	265.5	572	249

The majority of work will be done in-water from three floating barges. One barge will contain a mounted crane and pile driving equipment. The two other barges will contain supplies, including cleanup kits and floating booms.

Upland Work: Several structures are proposed to be constructed upland as part of the overall facility, increasing impervious surfaces.

Rail Unloading Shed: Trains will pull into this facility and dump coal via a rotary rail dumper with a bottom-fed hopper and underground conveyor system. The total area of impervious surface resulting from this building will be 0.22 acre.

Coal Storage Buildings and conveyors: Initially, only one storage building will be constructed.

Two more building are proposed to be constructed. One building is approximately 225,000 square feet, and the other two are 214,800 square feet each. There will be a total of 15 acres of impervious surface resulting from the three storage buildings.

Office/Shop: This building will house administrative staff, and provide a break area and changing room. This building will be approximately 0.07 acre.

Additional Ground Disturbance: Parking facilities, sidewalks, and other infrastructure will be approximately 2.5 acres of impervious surface.

Mitigation: The Applicant proposes to mitigate for impacts through the creation of a 1.42 acre riparian/transitional zone along 1,235 linear feet of the Columbia River at the project site. The CIT proposes to plant a mix of native seeded and woody (tree and shrub) species to be monitored for a period of ten years. Woody species will be species will be planted on 5 foot centers. Monitoring will occur for a period of 10 years. Performance standards for woody species establishment will include 100 percent survival of planted woody material after 2 years, 25 percent aerial cover after 5 years, and 50 percent aerial cover after 10 years. The cover of invasive herbaceous and woody vegetation species will not exceed 10 percent in any year. CIT will be responsible for the long term operation and maintenance of the mitigation site and the site will be protected in perpetuity by a restrictive covenant.

AUTHORITIES

In exercising authority under 33 U.S.C. § 1341, ORS Chapter 468B, and OAR 340, Division 48 DEQ evaluated 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 (Sections 301, 302, 303, 306 and 307 of the Clean Water Act);
2. Conformance with Oregon state water quality standards and rules in OAR Chapter 340, Divisions 41 and 48 and with other requirements of state laws;
3. Conformance with the provision of using all known, available and reasonable methods to prevent and control pollution of state waters as required by ORS Chapter 468B.

Based on the application materials and supplemental information provided, DEQ is reasonably assured that the activity as proposed and conditioned by this 401 WQC will comply with 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, ORS Chapter 468B and OAR 340 Division 48, water quality certification is granted to the Applicant subject to the conditions within this WQC .

Certification of this proposal does not authorize the Applicant to exceed applicable state water quality standards (OAR Division 41). Furthermore, nothing in this WQC absolves the Applicant from liability for contamination and any subsequent cleanup of surface waters, ground waters or sediments resulting from project construction or operations.

401 WATER QUALITY CERTIFICATION CONDITIONS

A. Timing:

1. This 401 WQC for impacts to waters is valid for five years from the date of issuance. Conditions related to the requirements outlined in this WQC are not subject to the expiration date outlined above, and remain in full effect and are enforceable.
2. In-water work is allowed only in accordance with the National Marine Fisheries Service (NMFS) in-water work window or within the Oregon Department of Fish and Wildlife (ODFW) preferred time window as specified in Oregon Guidelines for Timing of In-water Work to Protect Fish and Wildlife Resources, June 2008, or as provided in any written exceptions recommended by ODFW, whichever is most restrictive.
3. This certification only becomes valid upon the final issuance of both the Department of State Lands Removal/Fill Permit (#49123-RF), and the USACE Section 10 Permit (NWP-2007-00998-1).

B. General Conditions

1. All submittals required by this WQC must be sent to DEQ Northwest Region, 401 Program, 2020 S.W. 4th Ave., Portland, OR 97201 or via e-mail (preferred) to the Project Coordinator (Christensen.sara@deq.state.or.us). The submittals must be identified with WQC No. 2012-00056 and include the Applicant's name, project name, project location, the project contact and the contact's phone number.
2. Work authorized by this WQC is limited to the work described herein, and in the *Oregon Department of Environmental Quality 401 Certification Application*, dated April, 2014, the *Coyote Terminal, LLC Stream Enhancement USACE Mitigation Plan, 2014*, and the *Stormwater Management Plan for Coyote Island Terminal, LLC Port of Morrow Site* dated February 2015. This 401 WQC is invalid if the project is operated in a manner not consistent with the project description contained in the application materials. The Applicant will be out of compliance with this WQC and must submit an updated Application if the information contained in the Application is voided by subsequent changes to the project not authorized by this WQC.
3. Within 30 days of receipt of any updated information, DEQ will determine if the revised project requires a new 401 WQC and public notice or if a modification to this WQC is required.
4. The Applicant must keep copies of this WQC on the job site and readily available for reference by Applicant's personnel and contractors, DEQ personnel, the construction superintendent, construction managers and lead workers, and state and local government inspectors.
5. The Applicant must allow DEQ personnel or an authorized contractor to:
 - a. Enter upon the project property, including mitigation sites;
 - b. Have access to any records that must be kept under the conditions of these permits or this certification;

- c. Inspect, at reasonable times, any monitoring or operational equipment or method; collection, treatment, pollution prevention or discharge facility or device; and
 - d. Sample or monitor any discharge of pollutants or any mitigation site.
6. DEQ may modify or revoke this 401 WQC, in accordance with OAR 340-048-0050, in the event the project changes or new information indicating that the project activities are having a significant adverse impact on state water quality or beneficial uses.
 7. The Applicant must ensure that all project engineers, contractors, and other workers at the project site with authority to direct work have read and understand relevant conditions of this WQC and all permits, approvals, and documents referenced in this WQC decision.
 8. The Applicant must follow the conservation measures of the NMFS Biological Opinion when issued, and any revisions to that document, prepared for the project. If any conservation measures are not consistent with the conditions of this WQC, the Applicant must contact DEQ.
 9. This WQC does not authorize direct, indirect, permanent, or temporary impacts to waters of the state or related aquatic resources, except as specifically detailed in this WQC.
 10. Failure of any person or entity to comply with the WQC may result in the issuance of civil penalties or other actions, whether administrative or judicial, to enforce the terms of this WQC.

C. Notification Requirements

Notification must be made via phone or e-mail (e-mail is preferred) to DEQ's 401 Coordinator immediately following a violation of applicable water quality standards, spill to waters of the state or when the project is out of compliance with any of this WQC's conditions. In addition to the phone or e-mail notification, the Applicant must submit a detailed written report to DEQ within five (5) days of the violation that describes the nature of the event, corrective action taken and/or planned, steps to be taken to prevent a reoccurrence, results of any samples taken, and any other pertinent information.

D. Water Quality Monitoring & Criteria

1. **Aquatic life movements:** Any activity that may substantially disrupt the movement of those species of aquatic life indigenous to the water body, including those species that normally migrate through the area, is prohibited. Unobstructed fish passage must be provided at all times during any authorized activity. Exceptions must be reviewed and recommended in writing in advance by ODFW and NMFS, and approved by DEQ, USACE, and DSL.
2. **Turbidity:** All practical Best Management Practices (BMPs) must be implemented to minimize and contain turbidity during in-water work. Any activity that causes turbidity to exceed 10% above natural stream turbidities is prohibited except as specifically provided in subsection (b) below.
 - (a) **Monitoring:** Applicant must conduct turbidity monitoring and record results as described below. Monitoring must occur at a representative location and a compliance

location every two hours each day during daylight hours when in-water work is being conducted. A properly and regularly calibrated turbidimeter is required. Applicant must take measurements at approximately mid-depth below the surface of the water and above the channel bottom at the representative and compliance background points as described below.

- i. **Representative Background Point:** A turbidity sample or observation must be taken every two hours during in-water work at a relatively undisturbed area at least 100 feet upcurrent from in-water disturbance to establish background turbidity levels for each monitoring cycle. Background turbidity in NTUs, location, date, and time of the sample must be recorded, in daily logs in accordance with subsection (c), prior to monitoring downcurrent at the compliance point.
- ii. **Compliance Point:** A turbidity sample must be taken every two hours during in-water work at approximately 300 feet downcurrent from the disturbance. The turbidity at the compliance point in NTUs, location, date, and time during sampling must be recorded for each sample in daily logs in accordance with subsection (c). If a plume is observed, the compliance point must be taken within that plume.

(b) **Compliance:** Results from the compliance point sampling must be compared to the results from the representative background point sampling taken during that monitoring interval. Limited duration exceedances are allowed as follows:

Exceedances are allowed, and corrective actions are required as follows:		
ALLOWABLE EXCEEDANCE TURBIDITY LEVEL	ACTION REQUIRED AT 1 ST MONITORING INTERVAL (every 2 hours)	ACTION REQUIRED AT 2 ND MONITORING INTERVAL
0 to 5 NTU above background	Continue to monitor every 2 hours	Continue to monitor every 2 hours
5 to 29 NTU above background	Modify BMPs & continue to monitor every 2 hours	Stop work after 8 hours at 5-29 NTU above background
30 to 49 NTU above background	Modify BMPs & continue to monitor every 2 hours	Stop work after 4 confirmed hours at 30-49 NTU above background
50 NTU or more above background	Stop work	Stop work

(c) **Reporting:** Copies of daily logs for turbidity monitoring must be made available to DEQ, USACE, NMFS and ODFW upon request. The log must include: background NTUs, compliance point NTUs, comparison of the points in NTUs, and location, date, time, and tidal stage for each reading. Additionally, a narrative must be prepared discussing all exceedances with subsequent monitoring, actions taken to address the exceedance, and the effectiveness of the actions.

3. **BMPs to Minimize In-stream Turbidity:** All practicable Best Management Practices (BMPs) on disturbed banks and within waters of the state must be implemented to minimize turbidity during in-water work. In addition, the Applicant must:

- i. Sequence/Phasing of work – The Applicant must schedule work activities so as to minimize in-water disturbance and duration of in-water disturbances;
- ii. Machinery may not be driven into the flowing channel;
- iii. Containment measures such as geotextile fabric, and silt fence must be implemented and properly maintained in order to minimize in-stream sediment suspension and resulting turbidity.

E. Construction

1. The Applicant has obtained coverage under the current construction stormwater National Pollutant Discharge Elimination System (NPDES) 1200-C Permit (Permit #122675) for this project, and must adhere to all conditions of that permit and the approved Erosion and Sediment Control Plan developed for the Site.
2. All clearing limits, stockpiles, staging areas, and trees to be preserved must be marked clearly prior to commencing construction activities and maintained until all work is completed.
3. **Vegetation Protection and Restoration:**
 - a) Riparian, wetland, and shoreline vegetation in the project area must be protected from disturbance, unless otherwise authorized through this certification, through one or more of the following:
 - i. Minimization of project and impact footprint;
 - ii. Designation of staging areas and access points in open, upland areas;
 - iii. Fencing and other barriers demarking construction areas; and,
 - iv. Use of alternative equipment (e.g., spider hoe or crane).
 - b) If authorized work results in unavoidable vegetative disturbance that has not been accounted for in proposed mitigation, vegetation must be successfully reestablished to a degree that it functions at least as well as it did before the disturbance. The vegetation must be reestablished by the completion of authorized work.
4. **Deleterious waste materials:** Biologically harmful materials and construction debris including, but not limited to: uncured cement, welding slag and grindings, concrete saw cutting by-products, sandblasted materials, chipped paint, tires, wire, steel posts, asphalt and waste concrete must not be placed in or where they could come into contact with or enter waters of the state, including wetlands.
 - a. Concrete, cement, or grout must be cured prior to any contact with flowing waters;
 - b. Only clean fill, free of waste and polluted substances, may be used;
 - c. All practicable controls must be employed to prevent discharges of spills of deleterious materials to surface or ground water;
 - d. An adequate supply of materials needed to contain deleterious materials during a weather event must be maintained at the project construction site and deployed as necessary; and
 - e. All foreign materials, refuse, and waste must be removed from the area.
5. All construction debris, excess sediment, and other solid waste material must be properly managed and disposed of in an upland disposal site approved by the appropriate regulatory authority.

6. Turbid de-watering water associated with in-water work must not be discharged directly to waters of the state. Turbid de-watering water must be routed to an upland area for on-site or off-site settling.
7. **Equipment & Maintenance:** All equipment used below the ordinary high water mark (OHWM) must use bio-degradable hydraulic fluid.
8. **Spill Prevention:** Vehicles must be fueled, operated, maintained, and construction materials must be stored in upland areas that minimize disturbance to habitat and prevent adverse effects from potential discharges. In addition, the following specific requirements apply:
 - a. Vehicle staging, cleaning, maintenance, refueling, and fuel storage must take place in a vehicle staging area placed 150 feet or more from any waters of the state. An exception to this distance can be made if prior approval is granted.
 - b. If staging areas are within 150 feet of any waters of the state as allowed by subsection(a) of this condition, full containment of potential contaminants must be provided to prevent soil and water contamination, as appropriate;
 - c. All vehicles operated within 150 feet of any waters of the state must be inspected daily for fluid leaks before leaving the vehicle staging area. Any leaks detected in the vehicle staging area must be repaired before the vehicle resumes operation;
 - d. Before operations begin and as often as necessary during operation, equipment must be steam cleaned (or undergo an approved equivalent cleaning) until all visible external oil, grease, mud, and other visible contaminants are removed if the equipment will be used below the bank of a waterbody;
 - e. All stationary power equipment (e.g., generators, cranes, stationary drilling equipment) operated within 150 feet of any waters of the state must be diapered to absorb leaks, unless other suitable containment is provided to prevent potential spills from entering any waters of the state;
 - f. An adequate supply of materials (such as straw matting/bales, geotextiles, booms, diapers, and other absorbent materials) needed to contain spills must be maintained at the project construction site and deployed as necessary;
 - g. Fuel hoses, oil drums, oil or fuel transfer valves and fittings, etc., must be checked regularly for drips or leaks, and must be maintained and stored properly to prevent spills into waters of the state;
 - h. Wash water containing oils, grease, or other hazardous materials resulting from wash down of equipment or working areas must not be discharged into waters of the state. The Applicant must set up a designated area for washing down equipment;
 - i. A separate area must be set aside, which does not have any possibility of draining to surface waters, for the wash-out of concrete delivery trucks, pumping equipment, and tools;
 - j. Barges must not be allowed to ground-out during in-water construction;
 - k. Barges must be swept, as necessary, and kept free of material that could be blown into water; and,
 - l. Portable toilets that are placed on over water structures must be secured.
9. **Erosion Control:** During construction, the following erosion control measures, or comparable measures as specified in DEQ's Erosion and Sediment Control Manual

(<http://www.deq.state.or.us/wq/wqpermit/docs/general/npdes1200c/ErosionSedimentControl.pdf>), must be implemented to prevent or control movement of soil into waters of the state.

- a) Filter bags, sediment traps or catch basins, vegetative strips, berms, Jersey barriers, fiber blankets, bonded fiber matrices, geotextiles, mulches, wattles, sediment fences, or other measures used in combination must be deployed to prevent movement of soil from uplands into waterways or wetlands;
 - b) An adequate supply of materials needed to control erosion must be maintained at the project construction site;
 - c) To prevent stockpile erosion, Applicant must deploy compost berms, impervious materials or other equally effective methods during rain events or when the stockpile site is not moved or reshaped for more than 48 hours;
 - d) Erosion control measures must be inspected and maintained daily, or more frequently as necessary, to ensure their continued effectiveness and must remain in place until all exposed soil is stabilized;
 - i. If monitoring or inspection shows that the erosion and sediment controls are ineffective, mobilize work crews immediately to make repairs, install replacements, or install additional controls as necessary.
 - ii. Remove sediment from erosion and sediment controls once it has reached 1/3 of the exposed height of the control.
 - e) Avoided wetlands and planted areas must be flagged or fenced off to protect from disturbance and/or erosion.
 - f) Dredged or other excavated material must be placed on upland areas with stable slopes to prevent materials from eroding back into waterways or wetlands;
 - g) Sediment from disturbed areas, or sediment that could be tracked by vehicles onto pavement, must not be allowed to leave the site in amounts that would reasonably be expected to enter waters of the state and impair water quality. Placement of clean aggregate at all construction entrances, and other BMPs such as truck or wheel washes if needed, must be used when earth moving equipment will be leaving the site and traveling on paved surfaces.
10. No structural material may enter waters of the state during construction activities.
11. Ground improvement activities must not cause an exceedance of water quality standards for turbidity.
12. All forms for concrete must be completely sealed to prevent the possibility of fresh or uncured concrete entering waters of the state.
13. Any concrete process/contact water generated from over-water or upland activities must be treated and disposed of at upland areas.
- F. Mitigation:** The Applicant will provide mitigation to offset impacts through riparian restoration. The Applicant must follow the approved *Coyote Terminal, LLC Stream Enhancement USACE Mitigation Plan, 2014*. If the document is revised and/or modified, the final version must be approved by DEQ.

G. Emergency/Contingency Measures/ Spill incident reporting

1. Work that is out of compliance with the provisions of this WQC, conditions causing distressed or dying fish, discharges of oil, fuel, or chemicals into waters of the state or onto land with a potential for entry into waters of the state, is prohibited. If such work, conditions, or discharges occur, the Applicant must notify DEQ (see "Notification Requirements" condition C, above) and immediately take the following actions:
 - a) Cease operations at the location of the non-compliance.
 - b) Assess the cause of the water quality problem and take appropriate measures to correct the problem and/or prevent further environmental damage. Containment and cleanup must begin immediately and be completed as soon as possible, taking precedence over normal work.
 - c) In the event that petroleum products, chemicals, or any other deleterious materials are discharged into waters of the state, or onto land with a potential to enter waters of the state, the discharge must be promptly reported to the Oregon Emergency Response Service (OERS, 1-800-452-0311). Immediately notify the National Response Center at 1-800-424-8802, for actual spills to water only.
 - d) In addition, if the project operations cause a water quality problem which results in distressed or dying fish, the operator must immediately: cease operations; take appropriate corrective measures to prevent further environmental damage; collect fish specimens and water samples; and notify DEQ, ODFW, NMFS and USFWS as appropriate.

H. Contaminated Soils & Coordination with DEQ Clean-up Program:

1. If materials are generated by the project, they must be properly stored, managed and disposed of in accordance with DEQ's solid waste rules. Contaminated soils excavated during the project activities must be disposed of at a DEQ authorized facility or managed under DEQ Cleanup Program oversight.
2. Offsite reuse in Oregon of material generated by the project will require a DEQ Solid Waste Program clean fill determination, beneficial use approval or Solid Waste Letter of Authorization.
3. Applicant must report to DEQ any locations where visual contamination is found, or where sample values indicate that onsite contamination levels exceed appropriate human health and ecological risk based concentrations.

I. Stormwater Management/Operation:

1. The Applicant has submitted a post-construction stormwater management plan which describes Best Management Practices (BMPs) to prevent or treat pollution in stormwater anticipated to be generated by the project. The Applicant must follow the submitted *Stormwater Management Plan for Coyote Island Terminal, LLC Port of Morrow Site* dated February 2015. Any changes or updates to this plan must be submitted and approved by DEQ.
2. Effective construction and maintenance practices for the lifetime of the proposed facility are required. These include but are not limited to:

- a. Maintenance techniques and frequency for each system component must follow appropriate recommendations in accepted manuals, and the submitted *Stormwater Management Plan for Coyote Island Terminal, LLC Port of Morrow Site* dated February 2015.
 - b. Appropriate temporary and permanent BMPs must be installed and maintained to protect permanent stormwater facilities from sedimentation and inputs of other pollutants or waste generated during or after construction, which could decrease the effective and optimal functioning of these facilities.
 - c. Long-term operation and maintenance of stormwater treatment facilities will be the responsibility of Coyote Island Terminal, LLC.
3. All Coal must be contained and enclosed during the transfer and storage at the facility, as proposed in the application.
 4. During the operation of this facility, or at any time, coal or coal dust must not enter the Columbia River, or any other waters of the state.

If the Applicant is dissatisfied with this 401 WQC, including any conditions contained in this WQC, a contested case hearing may be requested by filing an answer and request for hearing in accordance with OAR 340-011-0107 and OAR 340-048-0045. Such request must be made in writing to the DEQ Office of Compliance and Enforcement at 811 SW 6th Avenue, Portland Oregon 97204 within 20 days of the mailing of this certification.

The DEQ hereby certifies this project in accordance with the Clean Water Act and state rules, with the above conditions. If you have any questions, please contact Sara Christensen at christensen.sara@deq.state.or.us, by phone at 503 229-6030 or at the address on this letterhead.

Sincerely,



Steve Mrazik
Water Quality Manager
Northwest Region

cc: Charles Lobdell, DSL
Melody White, USACE
Mischa Connine, NMFS
Catie Kerns, Environmental Consultant