



REPLY TO
ATTENTION OF:

DEPARTMENT OF THE ARMY
PORTLAND DISTRICT, CORPS OF ENGINEERS
P.O. BOX 2946
PORTLAND, OREGON 97208-2946

FEB 13 2002

Permit Number: 1999-01509

PROPOSED ADMINISTRATIVE PENALTY ORDER

Under the authority granted by 33 U.S.C. § 1319(g) and 33 CFR Part 326.6, I, Colonel Randall J. Butler, District Engineer, Portland District, propose to issue this order assessing a Class 1 Administrative Penalty for violation of the above-referenced permit.

Name/Address of Permittee:

Port of Garibaldi
P.O. Box 10
Garibaldi, Oregon 97118

Permitted Activity:

The U.S. Army Corps of Engineers verified the Port's authorization, under nationwide permits 16 and 35, to hydraulically dredge up to 20,000 cubic yards of sediment from the Port's boat basin. The dredged material was to be discharged into upland disposal cells east of the boat basin and adjacent to Tillamook Bay, with the excess water from the cells returned to the bay.

Condition(s) or Limitation(s) of Permit Reportedly Violated:

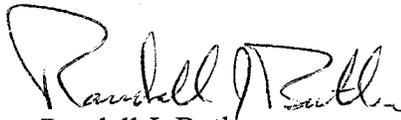
Because the Port did not have sediment quality data for the material to be dredged, project-specific conditions 18a through 18g of the verification required that the Port sample the return water discharged from the disposal cells, obtain quick-turnaround testing of that water for specific toxic substances, and fax the results to the Corps for review.

Description of the Nature of the Violation(s):

The Port dredged approximately 15,000 cubic yards of sediment from the boat basin. The sediment was discharged into the specified upland disposal cells. However, the required testing of the return water for toxic substances was not carried out.

I propose to assess a Class 1 Administrative Penalty against the permittee in this case for \$5,000; however, this proposal is subject to revision in the interest of justice after all evidence and comments have been received and reviewed. The amount which may be assessed as a Class 1 Administrative Penalty may not exceed \$10,000 per individual violation or a maximum amount of \$25,000.

Issued this 13 day of February, 2002.

A handwritten signature in black ink, appearing to read "Randall J. Butler". The signature is stylized with a large initial "R" and "B".

Randall J. Butler
Colonel, Corps of Engineers
District Engineer