



STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY

Northwest Regional Office • 3190 160th Avenue SE • Bellevue, Washington 98008-5452 • (425) 649-7000

May 23, 2011

Heather Griffin
City of Everett Public Works
3200 Cedar Street
Everett, WA 98201

RE: Second Amendment to Administrative Order #02SEANR-4717 for U.S. Army Corps of Engineers Reference #NWS-1999-2-00221, Construction of Dike Improvements to Provide Flood Protection for Everett's Water Pollution Control Facility, Everett, Snohomish County, Washington

Dear Ms. Griffin:

Enclosed is the second amendment to the Water Quality Certification issued on October 30, 2002, for the above project.

The purpose of this amendment is to respond to the May 4, 2011 request by City of Everett Public Works to change aspects of the dike improvement project. The dike alignment between the northwest corner of the newly constructed setback dikes for the restoration site and 12th Street NE will be revised, the pedestrian bridge removed, and the pedestrian trail relocated to the west along the setback levee. An additional 0.23 acre of wetland will be impacted as a result of the dike alignment change.

If you have any questions, please contact Rebekah Padgett at (425) 649-7129. The enclosed Amendment may be appealed by following the procedures described in the Amendment.

Sincerely,

Erik Stockdale, Unit Supervisor
Northwest Regional Office
Shorelands and Environmental Assistance Program

ES:rrp:cja

By certified mail # 7010 1060 0000 7464 5492

cc: Jonathan Smith, U.S. Army Corps of Engineers
Mike Scuderi, U.S. Army Corps of Engineers
Tom Ehrlichman
Jamie Bails, Washington Department of Fish and Wildlife



e-cc: Erik Stockdale – NWRO
Loree' Randall – HQ
Raman Iyer – NWRO
ecyrefedpermits@ecy.wa.gov

**STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY**

IN THE MATTER OF GRANTING)	ORDER #02SEANR-4717 2ndAmendment
A WATER QUALITY)	U.S. Army Corps of Engineers
CERTIFICATION TO)	#NWS-1999-2-00221
City of Everett Public Works)	Dike improvements to provide flood
)	protection for Everett's Water Pollution
)	Control Facility; Everett, Snohomish County,
)	Washington.

TO: Heather Griffin
City of Everett Public Works
3200 Cedar Street
Everett, WA 98201

As requested on May 4, 2011, the Department of Ecology (Ecology) is amending the above-referenced Administrative Order.

This amendment is issued under the provisions of Chapter 90.48 RCW and Chapter 173-201A WAC.

Administrative Order #02SEANR-4717 is hereby amended as follows:

1. Conditions C4-C5 that read:

- C4. Results of water quality sampling, as determined by the water quality monitoring plan, shall be forwarded to Department of Ecology on a weekly basis to Alice Kelly at e-mail akel461@ecy.wa.gov or fax (425) 649-7098, and Sean Callahan at e-mail scal461@ecy.wa.gov , or fax at (425) 649-7098.

- C5. If water quality standards are exceeded at any time during construction, the applicant shall submit a detailed written report to Ecology within five days that describes the nature of the violation, corrective action taken and/or planned, steps to be taken to prevent a recurrence, results of any samples taken, and any other pertinent information. The written report shall be submitted to Alice Kelly, Department of Ecology, 3190 – 160th Ave. SE, Bellevue, WA 98008, or fax (425) 649-7098.

Are replaced with:

- C4. Results of water quality sampling, as determined by the water quality monitoring plan, shall be forwarded to Department of Ecology on a weekly basis to 401/CZM Federal Permit Manager at e-mail rebekah.padgett@ecy.wa.gov or fax (425) 649-7098.

- C5. If water quality standards are exceeded at any time during construction, the applicant shall submit a detailed written report to Ecology within five days that describes the nature of the violation, corrective action taken and/or planned, steps to be taken to prevent a recurrence, results of any samples taken, and any other pertinent information. The written report shall be submitted to 401/CZM Federal Permit Manager, Department of Ecology, 3190 – 160th Ave. SE, Bellevue, WA 98008, e-mail to rebekah.padgett@ecy.wa.gov, or fax (425) 649-7098.

2. Condition E9 that reads:

- E9. Everett Public Works shall provide notice to Ecology's Alice Kelly at least 3 days prior to the start of placing fill in wetlands or other waters of the state. Notification can take place by e-mail to AKEL461@ecy.wa.gov, telephone to (425) 649-7145, fax to (425) 649-7098, or in writing.

Is replaced with:

- E9. Everett Public Works shall provide notice to Ecology's 401/CZM Federal Permit Manager at least 3 days prior to the start of construction and within 14 days after completion of construction at the project site. Notification, referencing U.S. Army Corps of Engineers #1999-2-00221, Order #02SEANR-4717 can take place by telephone to (425) 649-7129 or (425) 649-7000, e-mail to fax to (425) 649-7098, or in writing.

3. The following Conditions are added:

- E11. Construction equipment shall be used in tidally inundated areas of the site only during low tides, and water draining out of the site at low tide shall be diverted around the work areas to create as dry of a working area as practicable.
- E12. Equipment shall operate from atop the dike as practicable and in order to avoid operations within the tidal portion of the site.
- E13. The Applicant shall use tarps or other containment method when cutting or drilling over water in order to prevent debris, dust, concrete rubble, and other materials from entering the water.
- E14. Concrete debris from the bridge removal shall be disposed of at an upland location.
- E15. All excavated dike material shall be properly disposed of on land so that it cannot enter a waterway or cause water quality degradation to state waters.
- E16. Asphalt shall be prevented from entering waters of the state.
- E17. In removal of the bridge and foundation, all geogrid material also shall be removed and disposed of upland.

No other conditions or requirements of the above-mentioned Order are affected by this Amendment. The Department of 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 amendment may result in the issuance of civil penalties or other actions whether administrative or judicial, to enforce the terms of this amendment.

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 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 Rd 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:

Rebekah Padgett
Department of Ecology
Northwest Regional Office
3190 160th Avenue SE
Bellevue, WA 98008
(425) 649-7129; rpad461@ecy.wa.gov

MORE INFORMATION

Pollution Control Hearings Board Website

www.eho.wa.gov/Boards_PCHB.aspx

Chapter 43.21B RCW - Environmental Hearings Office – Pollution Control Hearings Board

<http://apps.leg.wa.gov/RCW/default.aspx?cite=43.21B>

Chapter 371-08 WAC – Practice And Procedure

<http://apps.leg.wa.gov/WAC/default.aspx?cite=371-08>

Chapter 90.48 RCW – Water Pollution Control

<http://apps.leg.wa.gov/RCW/default.aspx?cite=90.48>

Chapter 173-204 WAC – Sediment Management Standards

www.ecy.wa.gov/biblio/wac173204.html

Chapter 173-200 WAC – Water Quality Standards for Ground Waters of the State of Washington

www.ecy.wa.gov/biblio/wac173200.html

Chapter 173-201A WAC – Water Quality Standards for Surface Waters of the State of Washington

www.ecy.wa.gov/biblio/wac173201A.html

SIGNATURE



Erik Stockdale, Unit Supervisor
Wetlands/401 Unit
Shorelands and Environmental Assistance Program
Northwest Regional Office

May 23, 2011