



STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY

Northwest Regional Office • 3190 160th Ave SE • Bellevue, WA 98008-5452 • 425-649-7000
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May 4, 2016

Mark Wolken
Smith Island Terminal, LLC
2903B Hewitt Avenue
Everett, WA 98201

RE: Water Quality Certification Order #13273 for U.S. Army Corps of Engineers
Public Notice #NWS-2013-1077, Smith Island Terminal Project, in Everett,
Snohomish County, Washington

Dear Mr. Wolken:

On February 24, 2014, Smith Island Terminal, LLC submitted a Joint Aquatic Resource Permit Application (JARPA) to the Department of Ecology (Ecology) for a Section 401 Water Quality Certification under the federal Clean Water Act for the proposed Smith Island Terminal project. A revised JARPA was submitted to Ecology on November 6, 2014, and the JARPA was withdrawn and re-submitted on November 3, 2015.

On behalf of the State of Washington, Ecology certifies that the work described in the JARPA and the public notice complies with applicable provisions of Sections 301, 302, 303, 306, and 307 of the Clean Water Act, as amended, and applicable state laws. This certification is subject to the conditions contained in the enclosed Order.

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

Sincerely,

Erik Stockdale, Section Manager
Shorelands and Environmental Assistance Program

ES:rrp:ap

Enclosure



Smith Island Terminal, LLC
May 4, 2016
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By certified mail: 7012 1640 0000 6245 9023

cc: Ron Wilcox, U.S. Army Corps of Engineers
Steve Ingalsbe, City of Everett
Laura Arber, Washington Department of Fish and Wildlife
Nancy Brennan-Dubbs, U.S. Fish and Wildlife Service
David Hirsh, NOAA Fisheries
Krista Rave-Perkins, U.S. Environmental Protection Agency
Mark Wolken, Mark Wolken and Associates

e-cc: Doug Gresham, Ecology
Paul Anderson, Ecology
David Pater, Ecology
Bob Wright – NWRO
Kurt Nelson, The Tulalip Tribes knelson@tulaliptribes-nsn.gov
Loree' Randall, Ecology
ecyrefedpermits@ecy.wa.gov

IN THE MATTER OF GRANTING A) ORDER #13273
WATER QUALITY) Corps Reference #NWS-2013-1077
CERTIFICATION TO) Smith Island Terminal Project; Wetlands, Lower
Smith Island Terminal, LLC) Snohomish River Estuary, Everett, Snohomish
 in accordance with 33 U.S.C. 1341) County, Washington.
 (FWPCA § 401), RCW 90.48.120, RCW)
 90.48.260 and Chapter 173-201A WAC)

TO: Smith Island Terminal, LLC
 Attn: Mark Wolken
 2903B Hewitt Avenue
 Everett, WA 98201

On February 24, 2014, Smith Island Terminal, LLC submitted a Joint Aquatic Resources Permit Application (JARPA) to the Department of Ecology (Ecology) for a Section 401 Water Quality Certification. A revised JARPA was submitted to Ecology on November 6, 2014, and the JARPA was withdrawn and re-submitted on November 3, 2015. The U.S. Army Corps of Engineers (Corps) distributed a joint public notice regarding the request for the above-referenced project pursuant to the provisions of Chapter 173-225 WAC on September 15, 2015.

The proposed project would include:

- Construction of two connecting rail lines of approximately 400 feet each to reach the nearby mainline of Burlington Northern Santa Fe Railway Company (BNSF).
- Construction of approximately 8,400 feet of loop track (two full loops) and ancillary storage tracks and loading areas, office and maintenance building, a paved equipment storage area, stormwater collection and treatment facilities.
- Construction of an undercrossing of the BNSF mainline to provide grade-separated access for the terminal and other properties on Smith Island, a new access road outside of the track to access Cedar Grove Composting and its public access trail.
- Relocation of utility poles.
- Reconfiguration and minor changes to the trail to accommodate bridging for dike breaches, tidal connection, and buffer enhancement.

The project will permanently fill 12.35 acres of regulated water bodies, including 11.75 acres of wetlands and 0.6 acre of ditches. Approximately 1.79 acres of palustrine wetlands, 2.5 acres of a freshwater blind slough, and 0.44 acre of ditches will be converted to tidal wetlands as part of the project mitigation.

Mitigation for wetland impacts includes the creation of 2.4 acres of on-site, in-kind palustrine wetlands; creation of 14.23 acres of on-site, out-of-kind intertidal salt marsh habitat; conversion of 1.79 acres of palustrine wetlands into intertidal habitat, and conversion of the blind slough (2.5 acres) in Mitigation Area 2 into intertidal habitat. This total of 20.92 acres of compensatory wetland mitigation is outlined below:

- Area 1: Create 2.4 acres of freshwater wetland habitat immediately north of the Cedar Grove composting facility. This mitigation area was installed in 2004.
- Area 2: Restore the heavily degraded upland habitat adjacent to the blind slough to approximately 5.7 acres of intertidal habitat, and convert approximately 2.9 acres of palustrine wetland and the blind slough into intertidal habitat. This includes removal of an existing tidegate, setting back the existing levee approximately 250 feet, and installation of a self-regulating two-way tide gate in the setback levee.
- Area 3: Excavate disturbed upland areas to create an additional 1.8 acres of estuarine habitat. Wetland conversion in this area will be 0.04 acre. This includes removal of 100 linear feet of the existing levee, excavation of tidal channels, and construction of a new setback levee that connects to the Area 2 self-regulating two-way tide gate.
- Area 4: Remove approximately 550 linear feet of the levee adjacent to Union Slough and create intertidal habitat in 6.15 acres of the mitigation area. Wetland conversion in this area will be 1.36 acres. This includes construction of a new setback levee, a pedestrian bridge, and a public parking area.
- Establish and enhance upland buffers around the wetland mitigation areas, including preservation of approximately 11.6 acres of tidelands and removal of at least 20 creosote-treated wooden piles from the tidelands.

The project is located at 36th Place NE, Everett, Snohomish County, Washington, Wetlands, Lower Snohomish River Estuary, Section 5, T. 29 N., R. 5E., WRIA 7.

AUTHORITIES:

In exercising authority under 33 U.S.C. § 1341, RCW 90.48.120, and RCW 90.48.260, Ecology has examined 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 (FWPCA §§ 301, 302, 303, 306 and 307);
2. Conformance with the state water quality standards contained in Chapter 173-201A WAC and authorized by 33 U.S.C. § 1313 and by Chapter 90.48 RCW, and with other applicable state laws; and
3. 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.

WATER QUALITY CERTIFICATION CONDITIONS:

Through issuance of this Order, Ecology certifies that it has reasonable assurance that the activity as proposed and conditioned will be conducted in a manner that will meet the 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, RCW 90.48.120, RCW 90.48.260 Chapter 173-200 WAC and Chapter 173-201A WAC, water quality certification is granted to the Applicant subject to the conditions within this Order.

Certification of this proposal does not authorize the Applicant to exceed applicable state water quality standards (Chapter 173-201A WAC), ground water standards (Chapter 173-200 WAC), or sediment quality standards (Chapter 173-204 WAC). Furthermore, nothing in this certification shall absolve the Applicant from liability for contamination and any subsequent cleanup of surface waters, ground waters or sediments occurring because of project construction or operations.

A. General Conditions:

- A1. For purposes of this Order, the term "Applicant" shall mean Smith Island Terminal, LLC and its agents, assignees and contractors.
- A2. For purposes of this Order, all submittals required by its conditions shall be sent to Ecology's Northwest Regional Office, Attn: Section 401/CZM Federal Permit Manager, 3190 160th Avenue SE, Bellevue, WA 98008-5452. Any submittals shall reference Order #13273 and Corps Reference #NWS-2013-1077.
- A3. Work authorized by this Order is limited to the work described in the JARPA received by Ecology on February 24, 2014, and Sheets 1 of 16 to 16 of 16, dated March 2015. The Applicant will be out of compliance with this Order and must reapply with an updated application if the information contained in the JARPA is voided by subsequent changes to the project not authorized by this Order.
- A4. Within 30 days of receipt of an updated JARPA, Ecology will determine if the revised project requires a new water quality certification and public notice or if a modification to this Order is required.
- A5. This Order shall be rescinded if the U.S. Army Corps of Engineers does not issue an individual Section 404 and 10 permit.
- A6. The Applicant shall provide to Ecology's Section 401/CZM Federal Permit Manager a copy of the final Corps permit within two weeks of receipt of the permit. A copy shall be submitted per condition A2 above.

- A7. Copies of this Order shall be kept on the job site and readily available for reference by Ecology personnel, the construction superintendent, construction managers and lead workers, and state and local government inspectors.
- A8. The Applicant shall provide access to the project site and all mitigation sites upon request by Ecology personnel for site inspections, monitoring, necessary data collection, and/or to ensure that conditions of this Order are being met.
- A9. Nothing in this Order waives Ecology's authority to issue additional orders if Ecology determines that further actions are necessary to implement the water quality laws of the state. Further, Ecology retains continuing jurisdiction to make modifications hereto through supplemental order, if additional impacts due to project construction or operation are identified (*e.g.*, violations of water quality standards, downstream erosion, etc.), or if additional conditions are necessary to further protect water quality.
- A10. The Applicant shall ensure that all appropriate project engineers and contractors at the project site have read and understand relevant conditions of this Order and all permits, approvals, and documents referenced in this Order. The Applicant shall provide Ecology a signed statement (see Attachment A for an example) from each project engineer and contractor that they have read and understand the conditions of this Order and the above-referenced permits, plans, documents and approvals. These statements shall be provided to Ecology before construction begins at the project or mitigation sites.
- A11. This Order does not authorize direct, indirect, permanent, or temporary impacts to waters of the state (including wetlands) or related aquatic resources, except as specifically provided for in conditions of this Order.
- A12. Failure of any person or entity to comply with this Order may result in the issuance of civil penalties or other actions, whether administrative or judicial, to enforce its terms.

B. Wetland Compensatory Mitigation Conditions:

- B1. The Applicant shall mitigate wetland impacts as described in the following documents (hereafter together called the "Mitigation Plan"), or as modified by this Order or revised and approved by Ecology:
- *Wetland Mitigation Plan, Smith Island Terminal, Everett, Washington*, prepared by GeoEngineers, Inc., dated March 14, 2016.
 - Letter from Wayne Wright and Adam Wright, GeoEngineers, Inc., to Rebekah Padgett, Ecology, dated April 29, 2016.

- B2. The Applicant shall submit any changes to the Mitigation Plan in writing to Ecology (see A2) for review and approval before work begins.
- B3. The Applicant shall get review and written approval from Ecology of any plan changes required if problems arise during construction and planting of the wetland mitigation site.
- B4. The Applicant shall have a wetland professional at the wetland mitigation site to supervise during construction and planting.

Implementation

- B5. Unless otherwise approved by Ecology in writing, the Applicant shall begin the compensatory mitigation project before, or concurrent with, affecting wetlands or Ecology may require additional compensation to account for additional temporal loss of wetland functions.
- B6. If the mitigation site(s) cannot be completed within 13 months of the date of this Order, the Applicant shall inform Ecology, in writing, of the status of
 - a) Smith Island Terminal (SIT) project.
 - b) SIT Mitigation Site.With the:
 - c) Reason for the delay.
 - d) Expected date of completion.The Applicant shall submit an updated written notification every 12 months thereafter until the Smith Island Terminal project and SIT Mitigation Site are complete.
- B7. The Applicant shall ensure that all excess excavated site material is disposed of in an appropriate location outside of wetlands and their buffers at the wetland mitigation site and above the 100-year floodplain.
- B8. The Applicant shall ensure that no material is stockpiled within existing wetlands and their buffers at the wetland mitigation site(s) at any time, unless provided for in the Ecology-approved Mitigation Plan.
- B9. The Applicant shall ensure that no construction debris is deposited within existing wetland and their buffers at the wetland mitigation site(s) at any time, unless provided for in the Ecology approved Mitigation Plan.
- B10. The Applicant shall not use polyacrylamide at the mitigation site.
- B11. The Applicant shall not use hay or straw on exposed or disturbed soil at the mitigation site(s).

- B12. Aquatic herbicides can be used or applied only by certified applicators or persons under the direct supervision of a certified applicator, and only for those uses covered by the certified applicator's license category. Applicators are required to be permitted under Ecology's Noxious Weed Control Permit. Applicators shall comply with all conditions of the Noxious Weed Control Permit.
- B13. If weed-barrier fabric is used on the site, the Applicant shall use only permeable, fully biodegradable, non-toxic weed-barrier fabric for entire-site and/or individual plant weed control. Non-biodegradable plastic weed-barrier fabric shall be used only at the base of individual plants and shall be removed before it starts to break down, before it interferes with plant growth, or before the end of the monitoring period, whichever comes first.
- B14. If seeding is used as a best management practice for temporary erosion control, it must be a seed mix consisting of native, annual, non-invasive plant species.
- B15. The Applicant shall place signs at the mitigation area's boundaries, including buffers, every 200 feet to mark the area as SIT wetland mitigation site.
- B16. Upon completion of site grading and prior to planting, the Applicant shall submit to Ecology written confirmation, from a surveyor or project engineer, that the finished grades are consistent with the approved Mitigation Plan or subsequent Ecology-approved plan changes. The confirmation should indicate how final elevations were confirmed. The written confirmation can be in the form of an email or signed letter.
- B17. After completing construction and planting of the SIT mitigation site, the Applicant shall submit to Ecology (see A2) an as-built report, including plan sheets, documenting site conditions at Year Zero. The as-built report must:
- a) Be submitted within 90 days of completing construction and planting. Include one hard copy and one electronic file.
 - b) Include the information listed in Attachment B (Information Required for As-built Reports).
 - c) Include documentation of the recorded legal mechanism required in Condition B18.
- B18. Within 90 days of completing construction and planting of SIT Mitigation Site, the Applicant shall record a restrictive covenant, a copy of this Order, and the site map from the final wetland Mitigation Plan or as-built indicating the location of wetlands and their buffers. These documents must be recorded with the Snohomish County Auditor or other official responsible for maintaining records for, or interest in, real property.

Monitoring and Maintenance

- B19. The Applicant shall water and maintain all mitigation site plantings to meet the Mitigation Plan's performance standards. Where an irrigation system is installed, it shall be removed by the end of Year 3 unless permission is received in writing from Ecology to allow the system to remain for a longer period.
- B20. The Applicant shall monitor the mitigation site for a minimum of 10 years. The Applicant shall use the monitoring methods described on page(s) 21-24 of the Mitigation Plan.
- B21. The Applicant shall submit to Ecology (see A2) monitoring reports documenting mitigation site conditions for years 1, 2, 3, 5, 7, and 10. The monitoring reports must:
- Be submitted by December 31 of each monitoring year. Include one hard copy and one electronic file.
 - Include the information listed in Attachment C (Information Required for Monitoring Reports).
- B22. The Applicant shall implement the Mitigation Plan's contingency measures if the Mitigation Plan's goals, objectives, or performance standards are not being met.
- B23. Prior to implementing contingency measures not specified in the Mitigation Plan, the Applicant shall consult with and obtain written approval from Ecology for the changes.
- B24. When necessary to meet the performance standards, the Applicant shall replace dead or dying plants with the same species, or an appropriate native plant alternative, during the first available planting season and note species, numbers, and approximate locations of all replacement plants in the subsequent monitoring report.
- B25. For monitoring years five (5) and ten (10) the Applicant shall use the currently approved federal wetland delineation manual and appropriate regional supplement to delineate all compensatory wetlands and include delineation information (e.g. data sheets, maps, etc.) in the monitoring reports.
- B26. If the Applicant has not met all conditions and performance standards for the mitigation site at the end of the monitoring period, Ecology may require additional monitoring, additional mitigation, or both.
- B27. Until the Applicant has received written notice from Ecology that the Mitigation Plan has been fully implemented, the Applicant's obligation under Condition B1 to mitigate for wetland impacts is not met.

C. Water Quality Conditions:

- C1. This Order does not authorize temporary exceedances of water quality standards beyond the limits established in WAC 173-201A-210(1)(e)(i).
- C2. The Applicant shall conduct in-water construction water quality sampling and monitoring as described in the *Water Quality Monitoring and Protection Plan, Smith Island Terminal, Everett, Washington*, prepared by GeoEngineers, Inc., dated March 14, 2016 (hereafter referred to as the Water Quality Monitoring Plan), as well as the clarifications described in the Letter from Wayne Wright and Adam Wright, GeoEngineers, Inc., to Rebekah Padgett, Ecology, dated April 29, 2016, or as modified by this Order or revised and approved by Ecology.

D. Conditions for Construction Activities:

Upland Conditions:

- D1. Applicant shall obtain and comply with a Construction Stormwater General Permit for this project.
- D2. Applicant shall obtain and comply with an Industrial Stormwater General Permit for this project.
- D3. Construction stormwater, sediment, and erosion control best management practices (BMPs; e.g., filter fences, etc.) suitable to prevent exceedances of state water quality standards shall be in place before starting construction at the site.
- D4. Sediment and erosion control measures shall be inspected and maintained prior to and during project implementation.
- D5. Machinery and equipment used during construction shall be serviced, fueled, and maintained upland, unless otherwise approved by Ecology, in order to prevent contamination to any surface water.
- D6. Wash water containing oils, grease, or other hazardous materials resulting from wash down of equipment or working areas shall be contained for proper disposal, and shall not be discharged into state waters or storm drains.
- D7. All construction debris shall be properly disposed of on land so that it cannot enter a waterway or cause water quality degradation to state waters.
- D8. Clean Fill Criteria: Applicant shall ensure that fill (soil) placed for the proposed project does not contain toxic materials in toxic amounts.

- D9. Best management practices shall be implemented in order to prevent asphalt and other material from entering waters of the state.
- D10. The pedestrian bridge shall be conducted in the dry prior to the dike breach.
- D11. Dike removal shall be conducted during low tide cycles in order to minimize impacts to waters of the state.

In-Water Conditions:

- D12. Work in or near the water that may affect fish migration, spawning, or rearing shall cease immediately upon a determination by Ecology that fisheries resources may be adversely affected.
- D13. All manmade debris that has been deposited below the Ordinary High Water Line (OHWL) within the construction work area shall be removed and disposed of upland such that it does not enter waters of the state. Concrete rubble, metal debris, and other debris in the construction work corridor that have washed into marine areas shall be removed from the project area.
- D14. Project activities shall be conducted to minimize siltation of the beach area and bed.
- D15. The Applicant shall operate the barge(s) and tug in deep water to minimize nearshore propeller wash impacts such as suspension of nearshore sediments.
- D16. Barges and other work vessels shall not be allowed to groundout during construction.

Piling Removal Conditions:

- D17. Approximately 20 creosote-treated timber piles shall be removed from estuarine waters. Piling shall be removed by vibratory extraction. If timber piles break during removal and cannot be removed by vibratory extraction, the piling shall be cut two feet below the mudline.
- D18. Piles, stubs, debris, and all associated excavated sediments shall be contained and prevented from entering waters of the state.
- D19. During removal of piles and stubs, a containment boom and absorbent pads shall be placed around the perimeter of the work area to capture wood debris and other materials released into the waters because of activity. All accumulated debris shall be collected and disposed of upland at an approved disposal site.

- D20. Piles removed from substrate: the pile shall be moved immediately from the water into the barge or onto uplands. The pile shall not be shaken, hosed-off, left hanging to drip, or any other action intended to clean or remove adhering material from the pile.
- D21. Work surface on the barge deck or on uplands shall include a containment basin for piles and any sediment removed during pulling of the piling. Basins may be constructed of durable plastic sheeting with sidewalls supported by hay bales or support structure to contain all sediment.
- D22. The piles and any sediment removed during pulling of the piling shall be disposed of at an approved upland disposal site.

E. Emergency/Contingency Measures:

- E1. The Applicant shall develop and implement a Spill Prevention and Containment Plan for all aspects of this project.
- E2. The Applicant shall have adequate and appropriate spill response materials on hand to respond to emergency release of petroleum products or any other material into waters of the state.
- E3. 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.
- E4. Any work that is out of compliance with the provisions of this Order, or conditions causing distressed or dying fish, or any discharge of oil, fuel, or chemicals into state waters, or onto land with a potential for entry into state waters, is prohibited. If these occur, the Applicant shall immediately take the following actions:
- a. Cease operations at the location of the violation or spill.
 - b. Assess the cause of the water quality problem and respond appropriately to correct the problem and/or prevent further environmental damage.
 - c. Notify Ecology of the failure to comply. All oil spills shall be reported immediately to Ecology's 24-Hour Spill Response Team at 1-800-258-5990, **and** within 24 hours of spills or other events to Ecology's Section 401/CZM Federal Project Manager at (425) 649-7129 or (425) 649-7000.
 - d. Submit a detailed written report to Ecology within five (5) days that describes the nature of the event, corrective action taken and/or planned, steps to be taken to prevent a recurrence, results of any samples taken, and any other pertinent information.

Compliance with this condition does not relieve the Applicant from responsibility to maintain continuous compliance with the terms and conditions of this Order or the resulting liability from failure to comply.

F. Timing Requirements

- F1. All in-water work shall be completed by the work window identified in the most current Hydraulic Project Approval (HPA) issued for this project. Any project change that requires a new or revised HPA should also be sent to Ecology for review.
- F2. This Order is valid until all compliance requirements in this document have been met.

G. Reporting and Notification Requirement Conditions

- G1. Applicant shall provide notice to Ecology's Section 401/CZM Federal Project Manager:
- At least three (3) days prior to the start of construction.
 - Within 14 days after completion of construction at the project site.
- Notification, referencing Corps Reference #NWS-2013-1077, Order #13273 can take place by telephone to (425) 649-7129 or (425) 649-7000, fax to (425) 649-7098, or in writing.
- G2. If the project construction is not completed within 13 months of issuance of this Order, the Applicant shall submit per Condition A2 a written construction status report and submit status reports every 12 months until construction is complete or this Order expires.

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. Chapter 43.21B RCW and Chapter 371-08 WAC govern the appeal process. "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.) Email 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

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
rebekah.padgett@ecy.wa.gov

MORE INFORMATION

Pollution Control Hearings Board Website

www.eho.wa.gov/Boards_PCHB.aspx

Chapter 43.21B RCW - Environmental and Land Use 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

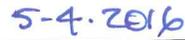
www.ecy.wa.gov/biblio/wac173200.html

**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, Section Manager
Shorelands and Environmental Assistance Program
Northwest Regional Office



Date

ATTACHMENT A

**SMITH ISLAND TERMINAL, LLC
SMITH ISLAND TERMINAL PROJECT
Water Quality Certification Order #13273**

**Statement of Understanding of
Water Quality Certification Conditions**

I have read and understand the conditions of Order #13273 Section 401 Water Quality Certification for the Smith Island Terminal, LLC Smith Island Terminal Project. I have also read and understand all permits, plans, documents, and approvals associated with the project referenced in this Order.

Signature

Date

Title

Company

Attachment B
Information Required for As-built Reports
(See Condition B17)

SMITH ISLAND TERMINAL, LLC
SMITH ISLAND TERMINAL PROJECT
Water Quality Certification Order #13273

Corps Reference #NWS-2013-1077

Background Information

- 1) Project name.
- 2) Ecology reference number and the Corps reference number.
- 3) Name and contact information of the person preparing the as-built report. Also include the names of:
 - a) The applicant.
 - b) The landowner (if different from the applicant).
 - c) Wetland professional on site during construction of the compensatory mitigation site.
- 4) Date the report was produced.

The Compensatory Mitigation Project

- 5) Brief description of the **final** compensatory mitigation project with any changes from the approved plan made during construction. Include:
 - a) **Actual** acreage and type(s) (re-establishment, rehabilitation, creation, enhancement, and preservation) of mitigation authorized to compensate for wetland impacts.
 - b) Important dates including:
 - i. Start of project construction.
 - ii. When work on the compensatory mitigation site began and ended.
 - iii. When different activities such as grading, removal of invasive plants, installing plants, and installing habitat features began and ended.
- 7) Description of any problems encountered and solutions implemented (with reasons for changes) during construction of the compensatory mitigation site.
- 8) List of any follow-up actions needed, with a schedule.
- 9) Final site maps (8-1/2" x 11" or larger) of the compensatory mitigation site(s), including the following (at a minimum):
 - a) Geographic location of the site with landmarks;
 - b) Clear delineation of the project perimeter(s);
 - c) Topography (with a description of how elevations were determined);
 - d) Installed planting scheme (quantities, densities, sizes, and approximate locations of plants, as well as the source(s) of plant material);
 - e) Location of habitat features;

f) Location of permanent photo stations.

The final site maps should reflect on-the-ground conditions after the site work is completed. Include the month and year when the maps were produced and, if applicable, when information was collected.

- 10) Photographs of the site at as-built conditions taken from permanent photo stations. We recommend photo pans.
- 11) Copies of any records of deed notifications or conservation easements.

Attachment C
Required Information for Monitoring Reports
(See Condition B21)

SMITH ISLAND TERMINAL, LLC
SMITH ISLAND TERMINAL PROJECT
Water Quality Certification Order #13273

Corps Reference #NWS-2013-1077

Ecology requires the following information, for monitoring reports submitted under this Order. Ecology will accept additional information that may be required by other regulators.

Background Information

- 1) Project name
- 2) Ecology docket number and Corps reference number
- 3) Name and contact information of the parties responsible for the mitigation site including:
 - a) The applicant
 - b) The landowner
- 4) Name and contact information for the party responsible for the monitoring activities and report
- 5) Who the report was prepared for (name, address, and phone number) *{if different from number 3 above.}*
- 6) Month and year the monitoring data were collected
- 7) Month and year the report was produced

Mitigation Project Information

- 8) Brief description of the mitigation project including:
 - a) Directions to the site
 - b) Acreage and type(s) (re-establishment, rehabilitation, creation, enhancement, and preservation) of mitigation authorized to compensate for wetland impacts
- 9) Brief description of monitoring approach and methods.
- 10) A list of the goals and objectives for the mitigation project
- 11) Summary table of monitoring data compared with performance standards. Using the monitoring data, describe how the site is developing toward goals and objectives and whether the project complies with performance standards
- 12) Summary (including dates) of management actions (maintenance, contingencies, and corrective actions) implemented at the site(s)
- 13) Summary of any difficulties or significant events that occurred on the site that may affect the ultimate success of the project

- 14) Specific recommendations for any additional corrective actions or adaptive management with a timetable
- 15) Summary of any lessons learned
- 16) Site maps (8 1/2" x 11" or larger) of the compensatory mitigation site(s) including the following (at a minimum):
 - a) The month and year when the maps were produced and, if applicable, when information was collected
 - b) The geographic location of the site with landmarks.
 - c) Clear delineation of the project perimeter(s).
 - d) Species, numbers, and approximate locations of all replanted material vegetation.
 - e) Location of habitat features.
 - f) Location of permanent photo stations and location of any other photos.
 - g) Location of sampling points or transects.
- 17) Photographs taken at permanent photo stations (and other photographs as needed) from the most recent monitoring visit, which are dated and clearly indicate the direction from which the photo was taken. We recommend photo pans.