STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY
15 W Yakima Ave, Ste 200 • Yakima, WA 98902-3452 • (509) 575-2490

June 10, 2015

Kirk Riedinger
P.O. Box 6388
Ketchum, ID 83340

RE: Water Quality Certification Order No. 11481 for Corps Public Notice **NWS-2015-258**

Dear Mr. Riedinger:

On April 30, 2015, Grette Associates LLC on behalf of Kirk Riedinger, submitted a Joint Aquatic Resources Permit Application (JARPA) to the Department of Ecology (Ecology) requesting a Section 401 Water Quality Certification.

The proposed project entails installing a stairway for beach access on a residential property in Lake Chelan at 21110 South Lakeshore Road, near the City of Chelan, Chelan County, Washington. The new stairs will be installed by hand and attached to the existing seawall. The stairs will be galvanized steel frame with precast concrete treads and steel handrails. They will extend up to 17 feet from the seawall with a width of up to five feet. The stairs will rest on a concrete landing that will be poured into forms on the lakebed. The landing will not require excavation and will be constructed in the dry.

The property is located in the southwest quarter section of Section 19, Township 29 North, and Range 21 East of the Willamette Meridian. The project is located at 47.9934 N latitude, -120.2629 W longitude.

A joint public notice regarding the request was distributed by the Army Corps of Engineers (Corps) for the above-referenced project pursuant to the provisions of Chapter 173-225 WAC on May 7, 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 Andrea Jedel at (509) 454-4260. The enclosed Order may be appealed by following the procedures described in the Order.

Sincerely,

Gary Graff, PWS
Regional Section Manager
Shorelands and Environmental Assistance Program

Enclosure

By certified mail: 7010 0290 0000 7127 4529

ec: Debbie Knaub, U.S. Army Corps of Engineers
Graham Simon, WDFW
Andrea Jedel, Ecology Central Regional Federal Permit Coordinator
Anne Hessburg, Grette Associates LLC
ecyrefedpermits@ecy.wa.gov

IN THE MATTER OF GRANTING A WATER QUALITY CERTIFICATION TO Kirk Riedinger in accordance with 33 U.S.C. 1341 (FWPCA § 401), RCW 90.48.120, RCW 90.48.260 and Chapter 173-201A WAC	)	**ORDER # 11481** **Corps Reference No. NWS-2015-258** Install a stairway for beach access on a residential property in Lake Chelan, located in Chelan County, Washington.

TO: Kirk Riedinger
P.O. Box 6388
205 Lava Street
Ketchum, ID 83340

On April 30, 2015 Grette Associates LLC on behalf of Kirk Riedinger, submitted a Joint Aquatic Resource Permit Application (JARPA) to the Department of Ecology (Ecology) requesting a Section 401 Water Quality Certification. A joint public notice regarding the request was distributed by the Army Corps of Engineers (Corps) for the above-referenced project pursuant to the provisions of Chapter 173-225 WAC on May 7, 2015.

The proposed project entails installing a stairway for beach access on a residential property in Lake Chelan at 21110 South Lakeshore Road, near the City of Chelan, Chelan County, Washington. The new stairs will be installed by hand and attached to the existing seawall. The stairs will be galvanized steel frame with precast concrete treads and steel handrails. They will extend up to 17 feet from the seawall with a width of up to five feet. The stairs will rest on a concrete landing that will be poured into forms on the lakebed. The landing will not require excavation and will be constructed in the dry.

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AUTHORITIES:

In exercising authority under 33 U.S.C. § 1341, 16 U.S.C. § 1456, 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 not violate 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 as a result of project construction or operations.

A. General Conditions:

1. For purposes of this Order, the term "Applicant" shall mean Kirk Riedinger, and its agents, assignees and contractors.

2. For purposes of this Order, all submittals required by its conditions shall be sent to Ecology's Central Regional Office, Attn: Andrea Jedel, Federal Permit Coordinator, SEA Program, 1250 W Alder Street, Union Gap Washington 98903. Any submittals shall reference Order No. 11481, and Corps No. **NWS-2015-258.**

3. All notifications listed below shall be made via phone to Andrea Jedel, phone (509) 454-4260 or e-mail at ajed461@ecy.wa.gov. These notifications shall be identified with Order No. 11481 and include the Applicant's name, the project contact, and the contact's phone number.

a. At least fourteen (14) days prior to the start of construction.
b. Within at least seven (7) days after completion of construction.

4. Work authorized by this Order is limited to the work described in the JARPA received by Ecology on April 30, 2015, unless otherwise authorized by Ecology. 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.

5. The Applicant shall obtain Ecology review and approval before undertaking any changes to the proposed project that might significantly and adversely affect water quality, other than those project changes required by this Order.

6. Within 30 days of receipt of any updated information, 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.

7. This Order shall be rescinded if the U.S. Army Corps of Engineers does not issue an individual 404 and/or Section 10 permit for the project.

8. The Applicant shall send (per A.2.) a copy of the final Section 404 Corps permit to Ecology' Federal Project Manager within two weeks of receiving it from the Corps.

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

10. 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.

11. 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.

12. 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. Furthermore, Ecology retains continuing jurisdiction to make modifications hereto through supplemental order, if additional impacts due to project construction or operation are identified or if additional conditions are necessary to further protect water quality.

13. In the event of changes or amendments to the state water quality, ground water quality, or sediment standards, or changes in or amendments to the state Water Pollution Control Act (RCW 90.48), or the federal Clean Water Act, Ecology will issue an administrative order to incorporate any such changes or amendments applicable to this project.

14. 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.

15. 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.

16. 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.

17. This Order will automatically transfer to a new owner or operator if:

    a. A written agreement between the Applicant and new owner or operator with the specific transfer date of the Order's obligations, coverage, and liability is submitted to Ecology per condition A.2.;
    b. A copy of this Order is provided to the new owner or operator; and
    c. If Ecology does not notify the new Applicant that this Order must be modified to complete the transfer.

B. Water Quality Conditions:

1. This Order does not authorize temporary exceedances of water quality standards beyond the limits established in WAC 173-201A-200 (1)(e)(i).

C. Timing Requirements

1. All in-water work shall be completed by the work window identified in the most current Hydraulic Project Approval (HPA) issued by the Washington Department of Fish and Wildlife (WDFW) for this project. Any project change that requires a new or revised HPA should be sent to Ecology for review.

2. This Order is valid until June 10, 2020.

D. Notification Requirements:

1. The Applicant shall provide written notification (email or mail) to Ecology's Central Regional Office Federal Permit Coordinator in writing at least 14 days prior to the start of construction, and within 7 days after completion of construction at the project site. Notification should be made using all the information required in Condition A2.

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 all 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.) 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
Department of Ecology Attn: Appeals Processing Desk	**Department of Ecology** Attn: Appeals Processing Desk

300 Desmond Drive SE Lacey, WA 98503	PO Box 47608 Olympia, WA 98504-7608
Pollution Control Hearings Board 1111 Israel RD 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:

Andrea Jedel
Department of Ecology
Central Region Office
1250 W Alder Street
Union Gap, WA 98903

(509) 454-4260
andrea.jedel@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 34.05 RCW – Administrative Procedure Act**
  http://apps.leg.wa.gov/RCW/default.aspx?cite=34.05
- **Chapter 90.48 RCW – Water Pollution Control**
  http://apps.leg.wa.gov/RCW/default.aspx?cite=90.48
- **Chapter 173.204 Washington Administrative Code (WAC) Sediment Management Standards**
  http://www.ecy.wa.gov/biblio/wac173204.html

- **Chapter 173-200 WAC Water Quality Standards for Ground Waters of the State of Washington**
  http://www.ecy.wa.gov/biblio/wac173200.html
- **Chapter 173-201A WAC Water Quality Standards for Surface Waters of the State of Washington**
  http://www.ecy.wa.gov/biblio/wac173201A.html

SIGNATURE

DATED this day of 10 June, 2015 at Yakima, Washington.

Gary Graff, PWS
Regional Section Manager
Shorelands and Environmental Assistance Program

ATTACHMENT A

Carefully read the entire Water Quality Certification Order, sign, date, and return the completed document to Ecology's Central Regional Office, Attn: Andrea Jedel, Federal Permit Coordinator, SEA Program, 15 West Yakima Avenue, Suite 200, Yakima, Washington 98902

Mr. Kirk Riedinger
Riedinger Stair Project

Statement of Understanding of Water Quality Certification Order #11481

I _____ **have read and understand all conditions** of the Washington State Department of Ecology Section 401 Water Quality Certification Order #11481, and the applicable permits and approvals referenced therein which pertain to the project-related work for which I am responsible.

_____ _____
Signature Date

_____
Title

I _____, as the **authorized agent or contractor for the construction** of the Riedinger Stair Project, **have read and understand all of the relevant conditions** of the Washington State Department of Ecology Section 401 Water Quality Certification Order #11481, and the applicable permits and approvals referenced therein which pertain to the project-related work for which I am responsible.

_____ _____
Signature Date

_____
Print Name

_____
Company

_____
Title