



STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY

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February 18, 2015

Washington State Ferries
ATTN: Kojo Fordjour
2901 3rd Avenue, Suite 500
Seattle, WA 98121-1042

RE: Water Quality Certification Order No. **11223** for Corps Public Notice No. **NWS-2008-249**, Vashon Trestle Seismic Bracing, King County, Washington

Dear Mr. Fordjour:

On September 29, 2014, the Washington State Ferries (WSF) submitted a Joint Aquatic Resource Permit Application (JARPA) to the Department of Ecology (Ecology) for a Section 401 Water Quality Certification (401 Certification) under the federal Clean Water Act for the Vashon Trestle Seismic Bracing project located on the northern end of Vashon Island in King County, Washington.

The Washington State Ferries is proposing to seismically retrofit the existing 61,000 square foot timber trestle at the Vashon Ferry Terminal to reduce the risk of structural failure during an earthquake. The retrofit work entails two main components. The first 210 linear feet of trestle will be replaced with steel piling and precast concrete deck panels. For the remaining length of the existing trestle, steel pile concrete frames or seismic braces (groups of steel piles capped with concrete and attached to the trestle) will be placed at 10 critical locations along the trestle. The project also includes some additional repair work; 6 damaged timber piles will be replaced with new timber piles.

A final component of this project entails a noise attenuation test for impact pile driving. WSF will test two new types of attenuated piles and compare the results of impact pile driving with the standard pile driving method using a bubble curtain.

The retrofit will increase overwater coverage and to mitigate for the impacts of this action, WSF will remove an abandoned foot pier at the Tahlequah Ferry Terminal and remove trestle debris at a site in Dockton.

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 Penny Kelley at 360-407-7298. The enclosed Order may be appealed by following the procedures described in the Order.

Sincerely,



Brenden McFarland
Shorelands and Environmental Assistance Program

Enclosure

by certified mail 7009 0820 0001 9056 0236

e-cc: Rebecca McAndrew, Corps of Engineers
Alison O'Sullivan, Suquamish Tribe
Laura Arber, WDFW
Laura Casey, King County
ECY RE FEDPERMITS
Loree Randall – HQ, SEA

IN THE MATTER OF GRANTING A) ORDER # 11223
WATER QUALITY) Corps Reference No. NWS-2008-249
CERTIFICATION TO) Seismically retrofit the existing Vashon Ferry
WA State Ferries) Terminal Trestle and replace some damaged
in accordance with 33 U.S.C. 1341) timber piles. The project is located on Vashon
(FWPCA § 401), RCW 90.48.120, RCW) Island, Dalco & East Passage on Puget Sound, in
90.48.260 and Chapter 173-201A WAC) King County, Washington.

Department of Transportation
Attn: Kojo Fordjour
2901 3rd Avenue, Suite 500
Seattle, WA 98121-1042

On September 29, 2014, Ecology received a Joint Aquatic Resources Permit Application (JARPA) from Washington State Ferries (WSF) requesting a 401 Water Quality Certification (WQC). The U.S. Army Corps of Engineers (Corps) issued a public notice for the project on October 22, 2014.

The Washington State Ferries is proposing to seismically retrofit the existing 61,000 square foot timber trestle at the Vashon Ferry Terminal to reduce the risk of structural failure during an earthquake. The retrofit work entails two main components. The first 210 linear feet of trestle will be replaced with steel piling and precast concrete deck panels. For the remaining length of the existing trestle, steel pile concrete frames or seismic braces (groups of steel piles capped with concrete and attached to the trestle) will be placed at 10 critical locations along the trestle. The project also includes some additional repair work; 6 damaged timber piles will be replaced with new timber piles.

The retrofit will increase overwater coverage and to mitigate for the impacts of this action, WSF will remove an abandoned foot pier at the Tahlequah Ferry Terminal and remove trestle debris at a site in Dockton.

A final component of this project entails a noise attenuation test for impact pile driving. WSF will test two new types of attenuated piles and compare the results of impact pile driving with the standard pile driving method using a bubble curtain. Three piles will be driven into the substrate within the project limits; one pile using a bubble curtain as a control and one pile each of the new type. Noise attenuation monitoring will be conducted during pile driving. After the testing/monitoring has been completed, the piles will be removed with a vibratory hammer or cut off below mud line.

The Vashon Ferry Terminal is located on the northern end of Vashon Island in the City of Vashon, King County Washington.
Section 6 T23N R3E

The Tahlequah Ferry Terminal is located on the southern end of Vashon Island in King County
Section 2 T21N R2E

The Dockton Site is on the west side of Maury Island in Quartermaster Harbor, King County.
Section 29 T22N R3E

All three locations are in WRIA 15 Kitsap.

AUTHORITIES

In exercising authority under 33 U.S.C. § 1341, RCW 90.48.120, and RCW 90.48.260, Ecology has reviewed 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 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, 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 WSDOT to exceed applicable state water quality standards (Chapter 173-201A WAC), ground water quality standards (Chapter 173-200 WAC) or sediment quality standards (Chapter 173-204 WAC). Furthermore, nothing in this certification absolves WSDOT from liability for contamination and any subsequent cleanup of surface waters, ground waters or sediments resulting from project construction or operations.

A. General Conditions

1. In this Order, the term "Applicant" shall mean the Washington State Department of Transportation and its agents, assignees, and contractors.
2. All submittals required by this Order shall be sent to Ecology's Headquarters Office, Attn: Federal Project Coordinator, P.O. Box 47600, Olympia, WA 98504 or via e-mail

(preferred), if possible, to the Coordinator assigned to this project. The submittals shall be identified with Order No. 11223 and include the Applicant's name, project name, project location, the project contact and the contact's phone number.

3. Work authorized by this Order is limited to the work described in the JARPA received by Ecology on September 29, 2014. The Applicant will be out of compliance with this Order and must submit an updated JARPA if the information contained in the JARPA is voided by subsequent changes to the project not authorized by this Order.
4. 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.
5. This Order shall be rescinded if the Army Corps of Engineers does not issue an individual Section 404 permit.
6. The Applicant shall send (per A.2.) a copy of the final individual Section 404 permit to Ecology's Federal Project Coordinator within two weeks of receiving it.
7. The Applicant shall keep copies of this Order 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.
8. 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.
9. 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.
10. The Applicant shall 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 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 signatory that s/he has read and understands the conditions of this Order and the above-referenced permits, plans, documents and approvals. These statements shall be provided to Ecology before construction begins.

11. This Order does not authorize direct, indirect, permanent, or temporary impacts to waters of the state or related aquatic resources, except as specifically provided for in conditions of this Order.
12. Failure of any person or entity to comply with the Order may result in the issuance of civil penalties or other actions, whether administrative or judicial, to enforce the terms of this Order.

B. Notification Requirements

1. Notification shall be made via phone or e-mail (e-mail is preferred) to Ecology's Federal Project Coordinator. Notifications shall be identified with Order No. 11223 and include the Applicants name, project name, project location, project contact and the contact's phone number.
 - a. Immediately following a violation of state water quality standards, spill to waters of the state or when the project is out of compliance with any of this Orders conditions.
 - i. In addition to the phone or e-mail notification, the Applicant shall 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.
 - b. At least ten (10) days prior to all pre-construction meetings
 - c. At least ten (10) days prior to conducting initial in-water work activities for each in-water work window established in the most current HPA.
 - d. At least ten (10) days prior to the start of pile stubbing
 - e. At least seven (7) days prior to the start of over water deck replacement work.
 - f. At least seven (7) days within project completion.

C. Timing

1. This Order will expire five (5) years from the date of issuance of the Corps permit.
2. In-water work is subject to a fishery closure window determined by Washington Department of Fish & Wildlife's Hydraulic Project Approval (HPA). All in-water work shall be completed within the work window identified in the most current HPA issued for this project.

D. Water Quality Monitoring & Criteria

1. Dalco and East Passage are categorized as Extraordinary and the criteria of the categorization apply as described in WAC 173-201A-210 (1).
2. This Order does not authorize the Applicant to exceed applicable state water quality standards for turbidity as described in WAC 173-201A-210 (1)(e).
3. The Applicant shall submit a Water Quality Monitoring Plan and Protection Plan (WQMPP) to the Federal Project Coordinator for review and approval at least 20 days prior to beginning work below the ordinary high water line (OHWL) for in-water and over-water. **Work is not authorized to begin until approval is received.** At a minimum, the WQMPP shall include:
 - a. The names(s) and phone numbers (s) of the Pollution control inspector and the person responsible for on-site monitoring and reporting;
 - b. The BMPs and procedures to be used to protect water quality for trestle deck replacement;
 - c. A water sampling plan for turbidity and pH, that includes sample locations and frequency;
 - d. Sampling locations for turbidity shall include, but are not limited to; background, half the distance to the point of compliance and at the point of compliance, unless otherwise approved by Ecology.
 - e. A map with numbered or named sampling locations associated with the in-water work activities.
 - f. Contingencies during in-water work activities
4. Ecology must approve, in writing, any changes or additions to the WQMPP.
5. Monitoring results shall be submitted monthly to the Ecology Federal Project Coordinator, per condition A.2.
6. Mitigation and/or additional monitoring may be required if the monitoring results indicate that the water quality standards have not been met.

E. Construction

General Conditions

1. All clearing limits, limits of construction, stockpiles, and staging areas, shall clearly be marked prior to commencing construction activities and maintained until all work is completed for each project.

2. No petroleum products, fresh concrete, lime or concrete, chemicals, or other toxic or deleterious materials shall be allowed to enter waters of the state.
3. All construction debris, excess sediment, and other solid waste material shall be properly managed and disposed of in an upland disposal site approved by the appropriate regulatory authority.
4. Turbid de-watering water associated with in-water work shall not be discharged directly to waters of the state, including wetlands. Turbid de-watering water shall be routed to an upland area for on-site or off-site settling.
5. Clean de-watering water associated with in-water work that has been tested and confirmed to meet water quality standards may be discharged directly to waters of the state including wetlands. The discharge outfall method shall be designed and operated so as not to cause erosion or scour in the stream channel, banks, or vegetation.
6. All equipment being used below the ordinary high water mark shall utilize bio-degradable hydraulic fluid.

Equipment & Maintenance

7. Staging areas will be located a minimum of 50 feet and, where practical, 200 feet, from waters of the state including wetlands. If a staging area must be located within 50 feet of waters of the state, then the Applicant shall provide a written explanation and obtain approval from Ecology's Federal Permit Coordinator before placing the staging area in the setback area.
8. Equipment used for this project shall be free of external petroleum-based products while used around the waters of the state, including wetlands. Accumulation of soils or debris shall be removed from the drive mechanisms (wheels, tires, tracks, etc.) and the undercarriage of equipment prior to its use around waters of the state, including wetlands.
9. No equipment shall enter, operate, be stored or parked within any sensitive area except as specifically provided for in this Order or allowed in the HPA.
10. 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.
11. Wash water containing oils, grease, or other hazardous materials resulting from wash down of equipment or working areas shall not be discharged into state waters. The Applicant shall set up a designated area for washing down equipment.

12. A separate area shall 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.

Barges

13. Barges shall not be allowed to ground-out during in-water construction.
14. Barges shall be swept, as necessary, and kept free of material that could be blown into water.
15. If a concrete delivery system is staged on a barge, the barge shall be equipped with containment sufficient to prevent discharges of concrete and any concrete process water to waters of the state.

Trestle Deck Replacement & Temporary Work Platforms

16. No structural material may enter waters of the state when removing and replacing the trestle.
17. All saw cut water and debris generated from saw cutting activities, including the construction of temporary work trestles, that occur above water shall be contained and disposed of appropriately with no possible entry to waters of the state.
18. The Applicant shall use tarps or another containment method when cutting, drilling, grouting, or sealing deck joints over water to prevent material and/or discharges from these activities entering waters of the state.
19. The Applicant shall have a boat available on site to retrieve debris from the water.
20. Secondary containment shall be placed under cranes stationed on temporary work platforms or the ferry terminal trestle to catch any spills or leaks.

Pile Stubbing & Capping Seismic Bracing

21. All forms for concrete shall be completely sealed to prevent the possibility of fresh concrete entering waters of the state.
22. All concrete shall be completely cured prior to coming into contact with water.
23. Concrete delivery systems shall be inspected daily to prevent any discharges of concrete and/or slurry water into waters of the state.

24. Concrete process water shall not enter waters of the state. Any concrete process/contact water discharged from a confined area with curing concrete shall be routed to upland areas to be treated and disposed of appropriately with no possible entry to state waters.
25. All excavated sediment shall be contained and disposed upland in an approved disposal site.

Temporary & Permanent Pile Removal for Vashon, Dockton, and Tahlequah

26. Pile driving of any kind shall not be conducted in eel grass beds.
27. Piles removed from the substrate shall be moved immediately from the water onto a barge or onto upland.
28. 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.
29. During pile removal, containment booms and absorbent sausage booms shall be placed around the perimeter of the work area to capture wood debris, oil, and other materials from being released into marine waters.
30. All excavated piles and debris that is collected shall be disposed upland in an approved disposal site.
31. If a barge is used to remove piles, the work surface on the barge deck shall include containment for piles and any liquid or sediment removed during pulling of the piling.
32. Sediments spilled on work surfaces shall be contained and disposed of with the pile debris at an approved upland disposal site.
33. Water left in the containment on the barge shall not be discharged into waters of the state.

F. Emergency/Contingency Measures

1. The Applicant shall develop and implement a spill prevention and containment plan for this project and shall have spill cleanup material available on site at all times during construction.
2. Work that is out of compliance with the provisions of this Order, conditions causing distressed or dying fish, discharges of oil, fuel, or chemicals into state waters or onto land with a potential for entry into state waters, is prohibited. If such work, conditions, or discharges occur, the Applicant shall comply with WSDOT's most current Environmental

Compliance Assurance Procedure for Construction Project and Activities, notify the Ecology Project Coordinator per condition B.1.a. 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.
 - c. In the event of a discharge of oil, fuel, or chemicals into state waters; or onto land with a potential for entry into state waters, containment and cleanup efforts shall begin immediately and be completed as soon as possible, taking precedence over normal work. Cleanup shall include proper disposal of any spilled material and used cleanup materials.
 - d. Immediately notify Ecology's Regional Spill Response Office at 425-649-7000 and the Washington State Department of Fish & Wildlife with the nature and details of the problem, any actions taken to correct the problem, and any proposed changes in operation to prevent further problems.
 - e. Immediately notify the National Response Center at 1-800-424-8802, for actual spills to water only.
3. Notify Ecology's Regional Spill Response Office at 425-649-7000 immediately if chemical containers (e.g. drums) are discovered on-site or any conditions present indicating disposal or burial of chemicals on-site that may impact surface water or ground water.

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
<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:

Penny Kelley
Department of Ecology
P.O. Box 47600
Olympia, WA 98503-7600
360-407-7298
pkel461@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 18th day of February, 2015 at the Department of Ecology, Lacey Washington



Brenden McFarland, Section Manager
Environmental Review and Transportation
Shorelands and Environmental Assistance Program
Headquarters

Attachment A
Statement of Understanding
Water Quality Certification Conditions

Vashon Trestle Seismic Bracing
Washington State Ferries
Water Quality Certification Order No. 11223
and
Corps Reference No. NWS-2008-249

I, _____, state that I will be involved as an agent or contractor for The Washington Ferries in the site preparation and/or construction of the Vashon Trestle Seismic Bracing project located at the northern end of Vashon Island in King County, Washington. I further state that I have read and understand the relevant conditions of Washington Department of Ecology Water Quality Certification Order No. 11223 and the applicable permits and approvals referenced therein which pertain to the project-related work for which I am responsible.

Signature

Date

Title

Phone

Company

