



STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY

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November 20, 2012

Michael J. Gleason, P.E.
The Boeing Company
P.O. Box 3707 MS 1W-12
Seattle, Washington, 98124-2207

RE: Water Quality Certification - Order #9623 Corps NWS-2011-384-SO
Boeing Plant 2 Duwamish Sediment Other Area and Southwest Bank Corrective Measure
and Habitat Project in Seattle/Tukwila, King County, Washington.

Dear Mr. Gleason:

The above-referenced public notice for proposed work in waters of the state has been reviewed in accordance with all pertinent rules and regulations. On behalf of the State of Washington, we certify that the work proposed in the public notice complies with applicable provisions of Sections 301, 302, 303, 306 and 307 of the Clean Water Act, as amended, and other appropriate requirements of State law. This certification is subject to the conditions contained in the enclosed Order and may be appealed by following the procedures described in the Order.

If you have any questions concerning the content of this letter, please contact Laura Inouye at (360) 407-6165.

Sincerely,

Brenden McFarland, Section Manager
Shorelands & Environmental Assistance Program
Headquarters Office - Ecology
State of Washington

by Certified Mail 7010 2780 0000 2503 4270

Enclosure



Order# 9623, Corps No. NWS-2011-0384-SO
Boeing Plant 2
11/20/2012
Page 2 of 2

cc: Olivia Romano, Corps
Laura Arber, WDFW
Holly Arrigoni, EPA

ecc: Loree' Randall, Ecology
Laura Inouye, Ecology
Mahbub Alam, Ecology
Bob Warren, Ecology
Erika Hoffman, EPA
Cliff Whitmus, AMEC
ecyrefedpermits

IN THE MATTER OF GRANTING A) ORDER #9623
WATER QUALITY) Corps Reference No. NWS-2011-384-SO
CERTIFICATION TO) Boeing Plant 2 Duwamish Sediment Other Area
 The Boeing Company) and Southwest Bank Corrective Measure and
 in accordance with 33 U.S.C. 1341) Habitat Project in Seattle/Tukwila, King County,
 (FWPCA § 401), RCW 90.48.120, RCW) Washington
 90.48.260 and Chapter 173-201A WAC)

TO: The Boeing Company
 ATTN: Michael J. Gleason, P.E.
 P.O. Box 3707 MS 1W-12
 Seattle, Washington, 98124-2207

On January 31, 2012 the Boeing Company submitted a Joint Aquatic Resources 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 June 27, 2012.

Boeing is conducting the Duwamish Sediment Other Area (DSOA) and Southwest Bank Corrective Measure pursuant to Administrative Order on Consent [Resource Conservation and Recovery Act (RCRA) Docket No. 1092-01-22- 3008(h)] issued to Boeing in 1994 by the Environmental Protection Agency (EPA) under authority of RCRA Section 2008(h), as amended [42 USC 6928(h)]. Concurrent with DSOA and Southwest Bank Correction Measure, Boeing will construct habitat restoration in accordance with a Consent Decree between the Natural Resources Trustees and Boeing executed in December 2010.

Dredging and excavation will remove up to 292,500 cubic yards of contaminated sediments and soils and place up to 238,600 cubic yards of clean material in the Duwamish Waterway, in four areas within Slip 4, and excavate along the shoreline at two locations on Boeing property bank line. The proposed work includes: the removal of existing structures; replacement of 14 existing stormwater outfalls with three new stormwater outfalls; modification of an existing stormwater outfall; and creation of habitat and habitat enhancement along the shoreline. To support the in-water work, a temporary dock would be constructed in Slip 4 and up to ten temporary mooring piles/three-pile clusters (dolphins) would be placed in the Duwamish Waterway and removed once work in a specific area has been completed.

The dredge/backfill DSOA area in the Duwamish Waterway is about 3,875 feet long and varies from 27 feet to 60 feet wide extending into the Federal Navigation Channel at five locations. This dredge area extends from the Slip 4 to just south of the Boeing's southern property line along the eastern shoreline of the Duwamish River. Dredging in this area would range in depth from + 2 feet Mean Lower Low Water (MLLW) at the shoreline to -20 feet MLLW in the river. The total dredging volume, including ½ foot allowable over-depth, is about 230,000 cubic yards.

The dredged material would be transported to a permitted Subtitle D facility, except for about 250 cubic yards, which may require Subtitle C disposal. Clean backfill material would be placed within the dredged area to an elevation of -15 feet MLLW in the northern portion and to an elevation of -17 feet MLLW in the southern portion of this dredged area. A total of 200,000 cubic yards of clean material would be placed to restore bottom elevations to roughly the same levels as before dredging except within the Federal Navigation Channel. The four dredge areas within Slip 4 cover a total area of 1,000 square feet and would range from depth of -10 feet MLLW to -20 feet MLLW. Up to 2,500 cubic yards of contaminated substrate would be dredged from Slip 4. Up to 2,500 cubic yards of clean fill material would be placed in these dredged areas to an elevation of 0 feet to -15 feet MLLW.

The dredge return water processing system has been designed to remove turbidity and constituents of concerns from the dredge water. The system will consist of a WaterTectonics Wavelonics electrocoagulation system, sand and bag filtration, and final processing using granular activated carbon. The system is designed for a capacity of up to 505,000 gallons per day.

The shoreline excavation area, referenced as the North Shoreline Area, begins at Slip 4 and extends south toward the South Park Bridge. The North Shoreline Area is about 750 feet long and about 257 feet wide. Upland contaminated soils would be excavated to create an embayment for off channel habitat. Between 11,000 and 21,000 cubic yards of contaminated soils and sediments would be excavated to connect the embayment to the Duwamish Waterway and create riparian habitat. Within the footprint of the excavation, there may be individual piles and pile clusters from historic building foundations. Individual piles would be removed. The excavation area would be backfilled with up to 9,000 cubic yards of clean material to about a depth of 2 feet. Along the toe of the slope (elevations from about +5.5 feet MLLW to about 0 feet MLLW) additional fill would be placed to protect the shoreline slopes from vessel-generated wakes and wind-generated waves. Four steel piles, about 8-inches in diameter, would be installed along the shoreline at an elevation of +4 to +5 feet MLLW to serve as net attachment points for the Muckleshoot Tribal fishers.

Shoreline excavation area, referenced as South Shoreline Area, begins south of South Part Bridge and extends south to Boeing's property line and is about 1,450 feet long. Prior to excavation, in an area about 1,000 feet long by 50 feet wide, existing concrete slabs, 560 wooden support piles, riprap, foundations, and bulkheads that are adjacent to or overhang the Duwamish Waterway bank would be removed. Removal of concrete slabs debris would be done with large cranes working from the adjacent uplands. Up to 39,000 cubic yards of contaminated sediments/soils would be removed from South Shoreline Area. The excavation in these shorelines areas would move landward from the elevation of + 2 foot MLLW. During periods of low tides, the exposed sediment would be removed by land-based excavation equipment with conventional digging buckets or with clamshell buckets to remove the intertidal sediment and move it to a point where it can be loaded into trucks for upland stockpiles. This method allows removal of sediment located above the waterline. As incoming tides raise the water level, excavation equipment would exit the intertidal area. After excavation is completed, up to 26,000 cubic yards of clean fill would be placed within the excavated area to create elevations and

slopes suitable for habitat restoration. A portion of the South Shoreline Area would be vegetated with marsh and riparian planting and large woody debris would be placed along the shoreline. Goose exclusion fencing would be installed around the marsh planting zone at an elevation of +5.5 to +12 feet MLLW. Three 8-inch steel piles would be installed along the shoreline at an elevation of +4 to +5 feet MLLW to serve as net attachment points for the Muckleshoot Tribal fishers.

In Slip 4, a temporary dock would be installed to facilitate movement of personnel from the uplands to the floating equipment and mooring of support vessels during dredging operations. The proposed dock would consist of up to sixteen 12-inch steel piles, a 6-foot wide ramp between 80 feet and 100 feet long connecting to a 640 square foot float. The inshore side of the dock would be located at or near elevation of -8 feet MLLW.

Within the project area, up to ten mooring points would be installed at any one time during in-water dredging operations for the temporary mooring of floating equipment (barges, tug boats, dredge equipment, etc). These mooring points would consist of a single steel pile or three-pile clusters (dolphins). The mooring points may be installed, removed and reinstalled within the project area during the course of the project. The piles used would typically be steel, 12 to 24-inches in diameter. The piles would be installed and removed using vibratory equipment to the extent practicable.

As part of the redevelopment of the upland property, the stormwater system in the southern portion of the Plant 2 facility would be upgraded. The 14 existing stormwater outfalls in this area would be replaced with three new outfalls. Discharge from the new stormwater treatment systems would be routed to the new outfall pipes. The new outfalls would be 25 to 36-inches in diameter with an invert elevation between -9 feet to -10 feet MLLW. An existing outfall at the southern end of Plant 2 (Outfall Z) would be realigned and extended with an invert to an elevation of -10 feet MLLW. At the end of the new outfall pipes, four sand and gravel pads would be created. These pads would range from 30-feet to 34-feet by 10-feet and resulted in the placement of up to 100 cubic yards of sand and gravel.

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 as a result of project construction or operations.

A. General Conditions:

1. In this Order, the term "Applicant" shall mean the Boeing Company and its agents, assignees and contractors.
2. All submittals required by this Order shall be sent to Ecology's Headquarters Office, Attn: Federal Permit Coordinator, P.O. Box 47600 Olympia, WA 98504-7600 and/or lino461@ecy.wa.gov. Any submittals shall reference Order #9623 and Corps Reference # NWS-2011-0384-SO
3. All notifications listed below shall be made via phone to Laura Inouye at (360) 407-6165 or e-mail. These notifications shall be identified with Order #9623 and include the Applicant's name, the project contact, and the contact's phone number.
 - a. At least ten (10) days prior to conducting initial in-water work activities for each in-water work window.
 - b. Within at least seven (7) days after completion of the in-water work.
4. Work authorized by this Order is limited to the work described in the Joint Aquatic Resources Permit Application (JARPA) received by Ecology on January 31, 2012, unless otherwise authorized by Ecology.
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 the updated information, Ecology will determine if the revised project requires a new public notice and Certification 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. 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.
10. Upon Ecology personnel's request, the Applicant shall provide access to the project site, all staging areas, and mitigation sites for site inspections, monitoring, necessary data collection, and/or to ensure that conditions of this Order are being met.
11. 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.
12. 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.
13. 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.
14. 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.
15. 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.

16. 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. Timing Conditions

1. This Order shall remain in effect until all compliance requirements are met.
2. All in-water work shall be completed within the work window identified in the most current Hydraulics Project Approval (HPA) that the Washington Department of Fish and Wildlife (WDFW) issues for this project. Any project changes that require a new or revised HPA shall be submitted to Ecology for review.

C. Water Quality and Water Quality Monitoring Conditions

1. Ecology has reviewed the "Final Construction Quality Assurance Project Plan – Duwamish Sediment Other Area and Southwest Bank Corrective Measure and Habitat Project Boeing Plant 2", "appendix "C" - Water Quality Monitoring Work Plan (WQMWP), dated October 2012 and provided comments. The Applicant shall submit a revised WQMWP that incorporates comments from Ecology and any other additional requirements of this Order. The revised Plan shall be submitted per A.2. to Ecology for review and approval prior to any in-water activities. Once approved the Applicant shall implement all aspects of the WQMWP.
2. Per WAC 173-201A-400 and 173-201A-410 this Order establishes the following Points of Compliance for this project:

Table 2

Activity	Standards	Point of Compliance
Return water discharge	Acute ^a and Conventional ^b parameters	End of pipe
Return water discharge	Chronic ^a parameters	150 feet radius from the pipe discharge point
In-water dredging	Acute ^a and Conventional ^b parameters	150 feet radius from the dredging location
In-water dredging	Chronic ^a parameters	300 feet radius from the dredging location
In-water construction (ie outfalls, piling removal, shoreline modifications)	Turbidity (visual)	150 feet radius from the in-water work
^a Acute and chronic toxic substances criteria		
^b Conventional includes turbidity, pH, dissolved oxygen, and temperature		

3. If exceedances at the point of compliance are detected, the Applicant shall immediately take action to stop, contain, and take other steps to prevent further exceedances and otherwise stop the exceedance and correct the problem. After the event, the Applicant shall assess the adequacy of the BMPs and update, or improve those used, to reduce and prevent recurrence of the exceedance.
4. The Applicant shall notify Ecology's Federal Project Manager of any exceedances detected through water quality monitoring (including visual) within 24 hours of the occurrence. Notification shall be made per condition A.2. The Applicant shall, at a minimum, provide Ecology with the following information:
 - a. A description of the nature and cause of exceedance.
 - b. The period of non-compliance, including precise dates, and when the Applicant returned, or expects to return to compliance.
 - c. The steps taken, or to be taken, to reduce, eliminate, and prevent recurrence of the non-compliance.
 - d. In addition to the 24 hour notification, the Applicant shall submit a written report to Ecology that describes the nature of the exceedance, sampling results and location, photographs, and any other pertinent information within five (5) days after the exceedance, unless otherwise approved by Ecology. The report shall also identify what additional BMPs were, or will be, implemented to prevent further exceedances.
5. If monitoring results demonstrate that the applicable water quality standards or project performance standards are not being met, Ecology may require additional monitoring and/or mitigation.

D. Dredging and Disposal:

1. All dredging is to be done using a precision excavator dredge with an enclosed environmental bucket, or conventional clamshell dredging equipment where there is large debris or pilings that cannot be removed with the environmental bucket. In areas under and adjacent to the South Park Bridge, a lower production, low impact method will be used such as a diver-operated hydraulic dredge to avoid damage to the bridge. **Use of any other type of dredge requires preapproval from Ecology.**
2. Dredged/excavated materials generated for the project will be segregated for recycling and reuse at Plant 2, beneficial reuse and alternative daily cover at permitted landfills, and disposal at permitted solid waste and hazardous waste landfills according to the EPA approved Engineering Design Report submitted pursuant to the RCRA Order (which includes a Materials Handling Appendix that outlines the criteria and approach used to segregate the materials). **Use of any other type of disposal method requires preapproval by Ecology.**
3. Dredging operations shall be conducted in a manner that minimizes the disturbance or siltation of adjacent waters and prevents the accidental discharge of petroleum products,

chemicals or other toxic or deleterious substances into waters of the State.

4. Dredged material shall not be stockpiled on a temporary or permanent basis below the ordinary high water line.
5. During dredging, the Applicant shall have a boat available on site at all times to retrieve debris from the water.

E. Dredging return water handling and processing:

1. Ecology has reviewed the "Dredge Return Water Processing Using Electro-Coagulation", dated October 2012 and provided comments. The Applicant shall submit a revised plan that incorporates information regarding how the activated carbon filter will be replaced and any other additional requirements of this Order. The revised Plan shall be submitted per A.2. to Ecology for review and approval prior to implementation of the plan. Once approved the Applicant shall implement all aspects of the plan.
2. Any changes to the revised dredge return water handling plan shall be submitted to Ecology for review and approval before implementing the changes.

F. Transloading Facility:

1. Ecology has reviewed the "Final Transload Transport and Disposal Contractors Work Plan", dated October 2012 and provided comments. The Applicant shall submit a revised plan that includes any additions requirements of Order. The revised Plan shall be submitted per A.2. to Ecology for review and approval prior to implementation of the plan. Once approved the Applicant shall implement all aspects of the plan.
2. If at any time the Applicant determines the need to discharge water from the water treatment facility into King County sewer system the Applicant shall provide copies of any permits and/or written authorization from King County to Ecology prior to any discharges.
3. Any changes to the revised Transload Transport and Disposal Contractor plan shall be submitted to Ecology for review and approval prior to implementing the changes.

G. Placement of cover material:

1. All cover material must be clean material consistent with EPA requirements. Sources of backfill will be identified and approved by EPA prior to construction.
2. Backfill within the navigational channel will not be placed above the authorized depth corresponding to elevation -15 feet MLLW.

H. Pre – and Post-dredge sediment sampling:

1. The Applicant shall implement Pre- and Post-dredging sediment sampling per the “Final Construction Quality Assurance Project Plan – Duwamish Sediment Other Area and Southwest Bank Corrective Measure and Habitat Project Boeing Plant 2”, “appendix “E” – Pre- and Post-Construction Perimeter Sediment Monitoring Work Plan, dated October 2012.
2. Any changes to the revised Pre- and Post-dredging plan shall be submitted to Ecology for review and approval before sampling.

I. Pile Driving and Piling Removal:

1. The steel piling shall be installed using a vibratory hammer whenever possible. An impact hammer may be used to proof pile, if needed.
2. The applicant shall deploy a bubble curtain or other BMP(s) to protect marine life while placing or proofing new piling.
3. All piling shall be removed by vibratory extraction or barge-mounted/land-based crane.
4. Piles, stubs, debris, and all associated sediments shall be contained and prevented from entering waters of the state.
5. 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 drop or any other action intended to clean or remove adhering material from pile.
6. 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. Water lefts in the basins shall not be discharged into waters of the state.
7. The piles and any sediment removed during pulling of the piling shall be disposed of at an approved upland disposal site.
8. All work shall be done so as to minimize turbidity, erosion, and other water quality impacts.
9. During pile removal and pile driving, a containment boom shall be placed around the perimeter of the work area to capture wood debris and other materials released into the water as a result of project activities. All accumulated debris shall be collected and disposed of upland at an approved disposal site. Absorbent pads shall be deployed should any sheen be observed.

10. Machinery and equipment used during piling removal and replacement shall be serviced, fueled, and maintained on uplands wherever possible in order to prevent contamination of surface water. Where practicable, machinery and equipment used during project activities shall use biodegradable hydraulic fluid.
11. If removal is not possible, the piles should be cut off at the excavation surface or at least 2 feet below the final grade, whichever is deeper. Pile clusters may be in place to preserve stability of the soils, cut off at or below the excavation surface. The new pilings shall be steel.

J. Stormwater Outfall Replacement:

1. Construction stormwater, sediment, and erosion control best management practices suitable to prevent exceedances of state water quality standards shall be in place before starting construction at the site.
2. Sediment and erosion control measures shall be inspected and maintained prior to and during project implementation.
3. All work within the project limits shall be clearly marked/staked prior to construction.
4. All work shall be done in the dry whenever possible.

K. Habitat Enhancement:

1. The applicant shall implement the shoreline restoration activities as described in the Final Habitat Design Report, prepared by AMEC, Dalton, Olmstead, and Fuglevand Inc., and Floyd/Snider, dated October 2012, or as revised and approved by Ecology.
2. The Applicant shall submit any changes to the Restoration Plan, above those required by the conditions of this Order, in writing to Ecology for review and approval before work begins.
3. The Applicant shall get review and written approval from Ecology of any plan changes required if problems arise during construction and planting of the mitigation site.
4. Material, such as but not limited to gravel, sand, cobbles, shall not be end dumped directly into state waters but placed in a controlled manner so as to minimize turbidity.
5. All areas along the shoreline of the river, stream, or lake that will be disturbed shall be protected from temporary erosion using appropriate BMPs until stabilized by vegetation.
6. The applicant shall not use polyacrylamide on exposed or disturbed soil at the mitigation sites.

7. The applicant shall not use hay or straw on exposed or disturbed soil at mitigation sites unless it is weed free.

L. Temporary dock or moorage construction:

1. All temporary in-water construction structures shall be removed as soon as possible.
2. 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.
3. Floatation for the structure will be fully enclosed and contained to prevent the breakup or loss of the floatation material into the water.
4. Structures built of treated wood shall incorporate features such as steel, plastic or rubber collars, fendering or other systems in order to prevent or minimize the abrasion of the treated wood by floats, ramps or vessels. Under no circumstances shall rubber tires be used for the fender system.
5. Under no circumstances shall creosote treated pilings or lumber be used for project construction.
6. All treated wood, piling, and lumber to be used in the project shall meet or exceed the standards established in "Best Management Practices for the use of Treated Wood in Aquatic and Other Sensitive Environments" developed by the Western Wood Preservers Institute, revised August 2006.

M. Structure Removal:

1. All construction debris, excess sediment, or deleterious material resulting from the project activities shall be properly contained and disposed of at an approved upland location so that it cannot enter water of the state.
2. All manmade debris that has been deposited below the Ordinary High Water Line within the 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 work area that have washed into the marine areas shall be removed from the project area.
3. Excavated material shall not be stockpiled on a temporary or permanent basis below the Ordinary High Water Line.
4. Project activities shall be conducted to minimize siltation of the beach area and bed.

5. Equipment used for the project shall be free of external petroleum-based products while working around the water. Accumulation of soils or other debris shall be removed from the drive mechanisms (wheels, tires, tracks, etc.) and under carriage of equipment prior to working below the ordinary high water line. Equipment shall be checked daily for leaks and any necessary repairs shall be completed prior to commencing work activities along the water body.
6. If sand, gravel, and other coarse excavated material is to be temporarily placed where it will come into contact with tidal waters, this material shall be covered with filter fabric and adequately secured to prevent erosion and/or potential entrainment of fish.

N. Emergency/Contingency Measures:

1. The Applicant shall develop a spill prevention and containment plan for this project, and shall have spill cleanup materials and an emergency call list available on site.
2. 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 or operator shall immediately take the following actions:
 - a. Cease operations that are causing the compliance problem.
 - 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 finding distressed or dying fish, the applicant shall collect fish specimens and water samples in the affected area within the first hour of the event. These samples shall be held in refrigeration or on ice until the applicant is instructed by Ecology on what to do with them. Ecology may require analyses of these samples before allowing the work to resume.
 - d. 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.
 - e. Immediately notify Ecology's 24-Hour Spill Response Team at 1-800-258-5990, **and** within 24 hours of spills or other events Ecology's 401/CZM Federal permit coordinator at (360) 407-6165.
 - f. 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.
3. 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, including wetlands.

CONTACT INFORMATION

Please direct all questions about this Order to:

Laura Inouye
Department of Ecology
P.O. Box 47600
Olympia, WA 98503-7600
360-407-7503
kstr461@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 20th day of November, 2012 at the Department of Ecology, Lacey Washington



Nov 20, 2012

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

Date

4. If at any time during work the proponent finds buried chemical containers, such as drums, or any unusual conditions indicating disposal of chemicals, the proponent shall immediately notify Ecology using the above phone numbers.

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 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 RD SW STE 301 Tumwater, WA 98501	Pollution Control Hearings Board PO Box 40903 Olympia, WA 98504-0903