



STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY

Northwest Regional Office • 3190 160th Ave SE • Bellevue, WA 98008-5452 • 425-649-7000
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July 8, 2015

Ronald Straka
Surface Water Utility Engineering Supervisor
City of Renton
1055 S. Grady Way
Renton, WA 98057

RE: Water Quality Certification Order #11634 for U.S. Army Corps of Engineers
Public Notice #NWS-2013-804, Cedar River Maintenance Dredging Project, in
Renton, King County, Washington

Dear Mr. Straka:

On February 14, 2014, City of Renton 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 proposed Cedar River Maintenance Dredging project.

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

Ronald Straka
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Enclosure: Order #11634

By certified mail: 7012 3460 0000 2587 1565

cc: Olivia Romano, U.S. Army Corps of Engineers
Vivian Roach, Washington Department of Natural Resources
Joseph Callaghan, GeoEngineers, Inc.
Hebe Bernardo, City of Renton

e-cc: Misty Blair – NWRO
Patrick McGraner – NWRO
Laura Inouye – HQ
Loree' Randall – HQ
Anne Dettelbach – NWRO
Larry Fisher, WA Department of Fish and Wildlife Larry.Fisher@dfw.wa.gov
Karen Walter, Muckleshoot Indian Tribe Karen.Walter@muckleshoot.nsn.us
Nancy Eklund, The Boeing Company nancy.e.eklund@boeing.com
Paul Ledum, The Boeing Company paul.a.ledum@boeing.com
ecyrefedpermits@ecy.wa.gov

IN THE MATTER OF GRANTING A) ORDER #11634
WATER QUALITY) Corps Reference #NWS-2013-804
CERTIFICATION TO) Cedar River Maintenance Dredging Project;
City of Renton) Wetlands and Cedar River, Renton, King
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: Ronald Straka
Surface Water Utility Engineering Supervisor
City of Renton
1055 S. Grady Way
Renton, WA 98057

On February 14, 2014, City of Renton submitted a Joint Aquatic Resources Permit Application (JARPA) to the Department of Ecology (Ecology) for a Section 401 Water Quality Certification. A joint public notice regarding the request was distributed by the U.S. Army Corps of Engineers (Corps) for the above-referenced project pursuant to the provisions of Chapter 173-225 WAC on July 9, 2014. A request to withdraw and re-apply for a 401 Certification was submitted on February 10, 2015. On February 24, 2015, Ecology issued a second public notice.

The proposed maintenance dredging project would include:

Dredging: Excavation of the Cedar River channel within the project area to a depth of approximately 4 feet on average below the “Allowable Average Channel Bed Profile,” with a 1-foot over-dredge allowance. The total volume of dredged material is estimated to be approximately 125,000 cubic yards. Width of maintenance dredging will vary depending on location within the project area, with side slopes at 3H:1V unless otherwise required for local bank stabilization maintenance work or for geotechnical or structural stability of existing infrastructure.

Bank Stabilization: 1) Maintenance—Minor restoration of portions of displaced rock on existing bank stabilization features while access to the areas is provided during the dredging activity; 2) Repair—Replacement and reconstruction of existing deteriorated and failing bank stabilization features; and 3) New Stabilization—Installation of new stabilization measures to ensure protection of flood control I-Walls and levees.

Stormwater Outfalls: In-kind repair, maintenance, or replacement of up to 30 existing damaged or deteriorated outfall systems including tideflex valves and sections of outfall pipe. Outfall work would include removal of accumulated sediments from active outfalls.

The proposed work would result in approximately 0.062 acre of permanent impact to Category IV wetland. Impacts would be mitigated through purchase of credits at the Springbrook Creek Wetland and Habitat Mitigation Bank.

Additional mitigation activities include: management of invasive species, planting of native vegetation on site, filling void spaces in riprap, gabion removal in the lower reach, maintenance and monitoring of the Royal Hills Replacement Spawning Channel and Elliot Spawning Channel, reduction of lighting impacts, and monitoring of scour.

The project is located along the lower 1.23 miles of the Cedar River between the North Boeing and Williams Avenue Bridges, Renton, King County, Washington, Wetlands and Cedar River, Sections 17, 18, and 7, T. 23 N., R. 5E., WRIA 8.

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:

- A1. For purposes of this Order, the term “Applicant” shall mean City of Renton 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: 401/CZM Federal Project Manager, 3190 160th Avenue SE, Bellevue, WA 98008-5452. Any submittals shall reference Order #11634 and Corps Reference #NWS-2013-804.
- A3. Work authorized by this Order is limited to the work described in the JARPA received by Ecology on February 14, 2014, and e-mail from Hebe Bernardo, City of Renton, to Rebekah Padgett, Ecology, RE: additional information request for Cedar River Dredging, dated June 18, 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 401/CZM Federal Permit Manager a copy of the final Corps permit within 2 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. Native Planting Conditions:

- B1. Except as modified by this Order, the native planting areas are depicted on Sheets 17 of 29 through 29 of 29 of the Appendix A JARPA Drawings in the *Mitigation Plan – Final Report for the Cedar River Maintenance Dredging Project, Renton, Washington*, dated December 4, 2014, prepared by GeoEngineers, Inc. and to include *Addendum No.1 to Mitigation Plan*, dated June 19, 2015, prepared by GeoEngineers, Inc.
- B2. Any revisions to the riparian planting components of the Mitigation Plan or Addendum No. 1 shall be submitted to Ecology per Condition A2 for review and approval.
- B3. In addition to conditions in the above-referenced sheets, the following requirements shall be conditions of this Order:
- a. As-Built Report (Year 0): A report documenting the topographic contours and plants installed in the mitigation areas must be prepared when site construction and planting are completed. The report shall include the following:
 - i. Vicinity map showing site access.
 - ii. Drawings that clearly identify in plan view the location and square footage of the planted area.
 - iii. The installed planting scheme showing approximate locations of plants and the time of planting.
 - iv. Photographs of planting areas taken from permanent reference points.
 - v. Locations of photopoints, and sampling sites.

- vi. A description of any changes to the mitigation plan that occurred during construction.
- vii. Provisions for maintenance and monitoring of plants.
- viii. If additional plantings are required by WDFW or other agencies subsequent to this Order, the additional plantings and planting requirements shall be included in the As-Built-Report and monitored accordingly to meet the performance standards.

A copy of the as-built report shall be sent to Ecology's Northwest Regional Office, per Condition A2, within 60 days of completing installation of the mitigation measures.

- b. Monitoring: The condition of riparian plantings shall be recorded in years 1, 2, 3, 5, 7 and 10 years after the Year 0 report consistent with the June 19, 2015 Addendum No. 1 to the Mitigation Plan. Monitoring reports should document plant survival and vigor and include representative photos from permanent locations. Copies of all monitoring reports shall be submitted to Ecology per Condition A2 above by December 31 of each year that they are due.
- c. Performance Standards:
The project shall meet the following performance standards:
 - Minimum of 100% survival after the first year; and 80% survival throughout the remainder of the monitoring period.
- d. Maintenance: The Applicant is responsible for maintenance and protection of the native vegetation planting area both throughout and after the 10-year monitoring period for riparian plantings. All plants that fail to survive for one (1) year after planting shall be replaced before or at the beginning of the next growing season.

C. Wetland Compensatory Mitigation Conditions:

- C1. The Applicant shall mitigate wetland impacts as described in the following documents, hereafter referred to as the "mitigation plan," or as revised and approved by Ecology:
 - a. *Mitigation Plan – Final Report, Cedar River Maintenance Dredging Project, Renton, Washington* prepared by GeoEngineers, dated December 4, 2014;
 - b. *Mitigation Bank Use Plan, Cedar River Dredging Project, Renton, Washington*, prepared by GeoEngineers, dated November 25, 2014; and
 - c. *Addendum No. 1 to Mitigation Plan, Cedar River Maintenance Dredging Project, Renton, Washington*, prepared by GeoEngineers, dated June 19, 2015.
- C2. Prior to impacting wetlands, the Applicant shall submit to Ecology documentation from the bank sponsor verifying the purchase of 0.044 wetland mitigation bank credit (credits)

from the Springbrook Creek Wetland and Habitat Mitigation Bank. This documentation must include the permit number, permit issuance date, impact acreage, the amount of credits required by the permit, and date of credit purchase.

- C3. The Applicant shall notify Ecology of any changes to the amount of wetland impacts, or revisions to the mitigation plan.
- C4. The Applicant shall complete the purchase of credits before the impacts to wetlands occur or Ecology may require additional compensation to account for temporal loss of wetland functions.
- C5. If the credits are not purchased within 13 months of the date of this Order, the Applicant shall inform Ecology, in writing, of the status of:
 - a) Cedar River Maintenance Dredging Project.
 - b) When bank credits will be purchased

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 Cedar River Maintenance Dredging Project is complete and the required credits are purchased.

D. Water Quality Conditions:

In-Water Construction

- D1. This Order does not authorize exceedances of water quality standards beyond the limits established in WAC 173-201A, except as specifically modified by this Order in Condition D2 below.
- D2. In-water construction activities may cause water quality effects that will exceed the turbidity criteria specified in Chapter 173-201A-200 WAC. Per WAC 173-201A-410, Ecology may grant a temporary mixing zone on a short-term basis for the disturbance of in-place sediments during and immediately after essential activities. For the specific activities below, Ecology is authorizing a temporary turbidity mixing zone of 300 feet, as measured from the north edge of the North Boeing Bridge located at the mouth of the Cedar River, and extending radially into Lake Washington:
 - a. Dredging
 - b. Maintenance activity conducted concurrently with the dredging (e.g., bank stabilization, outfall repair, filling voids in the riprap, gabion removal).

- D3. The Applicant shall monitor water quality during in-water construction according to the *Water Quality Monitoring Plan — Cedar River Gravel Removal Project* [hereafter referred to as “Water Quality Monitoring Plan”], prepared by Coast & Harbor Engineering, dated April 14, 2015, or as modified by this Order or revised and approved by Ecology. The Applicant shall revise the Water Quality Monitoring Plan to include the following:
- a. In addition to turbidity, the Applicant shall monitor dissolved oxygen and pH at the same locations and frequencies.
 - b. The Applicant shall describe how they will monitor for distressed or dying fish and steps to be taken if distressed or dying fish are detected.

The revised plan shall be submitted to Ecology for review and approval per Condition A2 at least 30 days prior to start of work. No work below ordinary high water mark may begin until Ecology approves the revised Plan.

- D4. The Applicant shall submit the contractor-prepared Water Quality Monitoring Plan to Ecology for review and approval per Condition A2 at least 30 days prior to start of in-water construction.
- D5. Reporting: If no exceedances are detected, results of water quality sampling, as determined by the Plan, shall be forwarded to Ecology on a monthly basis in accordance to Condition A2.
- D6. Notification of exceedances: Notification of exceedances that are detected through water quality sampling shall be made to Ecology within 24 hours of occurrence. Notification shall be made with reference to Order #11634, Attn: 401/CZM Federal Project Manager, by telephone at (425) 649-7129 or (425) 649-7000, or by fax to (425) 649-7098. The Applicant shall, at a minimum, provide Ecology with the following information:
- i. A description of the nature and cause of exceedance.
 - ii. The period of non-compliance, including exact dates, duration, and times and/or the anticipated time when the Applicant will return to compliance.
 - iii. The steps taken, or to be taken, to reduce, eliminate, and prevent recurrence of the non-compliance.
 - iv. In addition, within five (5) days after notification of an exceedance, the Applicant shall submit a written report to Ecology that describes the nature of the exceedance, turbidity results and location, photographs, and any other pertinent information.

In-Water Mitigation

- D7. The Applicant shall submit an In-Water Mitigation Plan to Ecology for review and approval per Condition A2 at least 30 days prior to the start of in-water construction. The In-Water Mitigation Plan shall include:
- a. A detailed description of proposed in-water activities as required by other agencies to mitigate for impacts to salmonids,
 - a. Site plans, and
 - b. Description of how the work would be conducted.
- D8. The Applicant shall develop and implement an Addendum to the Water Quality Monitoring Plan to address In-Water Mitigation activities (hereafter referred to as “Water Quality Plan Addendum”). The Water Quality Plan Addendum shall be submitted to Ecology per Condition A2 for review and approval at least 30 days prior to the start of in-water construction. “In-water construction” is defined as all work below ordinary high water mark.

The Water Quality Plan Addendum shall include the following minimum requirements:

- i. Locations of samples: Locations of water quality sampling sites shall be identified and described in the Plan and on a map of the project area. At a minimum, sampling shall take place at the point of compliance as specified in WAC 173-201A-200(1)(e)(i). Background samples shall be collected outside the area of influence of the in-water work. Background samples shall be collected at the same frequency as the point of compliance samples.
- ii. Number of samples: Number and frequency of water quality samples to be taken.
- iii. Parameter to be sampled: Turbidity shall be sampled for this project component.
- iv. Equipment: Sampling for turbidity is to be accomplished using a turbidometer properly calibrated according to the operator’s manual.
- v. Best Management Practices (BMPs): A description of the BMPs that will be used during construction to protect water quality.
- vi. Detection of exceedances: Water quality standards for turbidity in “Core Summer Salmonid Habitat” waters are as follows: turbidity shall not exceed 5 NTU over background conditions when the background is 50 NTU or less, or a 10 percent increase in turbidity when the background turbidity is more than 50 NTU. If exceedances of this standard at the point of compliance specified in WAC 173-201A-200(1)(e)(i) is detected through water quality sampling and monitoring, the Applicant shall immediately take action to stop, contain, and prevent unauthorized discharges or

otherwise stop the violation and correct the problem. After such an event, the Applicant shall assess the efficacy of the site BMPs and update or improve the BMPs used at the work site in an effort to reduce or prevent recurrence of the turbidity exceedance.

- vii. Reporting: If no exceedances are detected, results of water quality sampling, as determined by the Plan, shall be forwarded to Ecology on a monthly basis in accordance to Condition A2.
- viii. Notification of exceedances: Notification of exceedances that are detected through water quality sampling shall be made to Ecology within 24 hours of occurrence. Notification shall be made with reference to Order #11634, Attn: 401/CZM Federal Project Manager, by telephone at (425) 649-7129 or (425) 649-7000, or by fax to (425) 649-7098. The Applicant shall, at a minimum, provide Ecology with the following information:
 - iv. A description of the nature and cause of exceedance.
 - v. The period of non-compliance, including exact dates, duration, and times and/or the anticipated time when the Applicant will return to compliance.
 - vi. The steps taken, or to be taken, to reduce, eliminate, and prevent recurrence of the non-compliance.
 - iv. In addition, within five (5) days after notification of an exceedance, the Applicant shall submit a written report to Ecology that describes the nature of the exceedance, turbidity results and location, photographs, and any other pertinent information.

E. Conditions for Construction Activities:

- E1. Applicant shall obtain and comply with a Construction Stormwater General Permit for this project.
- E2. 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.
- E3. 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.

- E4. 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.
- E5. Removal of native riparian vegetation shall be minimized to the extent practicable.
- E6. Clean Fill Criteria: Applicant shall ensure that fill (soil, sand, or other material) placed for the proposed project does not contain toxic materials in toxic amounts.
- E7. Bank stabilization activities, including excavation, demolition, and installation of bank stabilization materials, shall be installed in the dry within areas of the temporary access berm, to the extent practicable, per the *Technical Memorandum* from City of Renton, Coast & Harbor Engineering, and GeoEngineers, dated April 15, 2014, RE: Cedar River Maintenance Dredging Project – April 15, 2014 Ecology Comments with City Responses.

In-Water Conditions:

- E8. 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.
- E9. Abandoned exposed outfalls extending into the river shall be cut off and disposed of off-site when feasible.
- E10. 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.
- E11. During installation of bank stabilization and temporary construction platforms located outside of a temporary access berm, a floating debris boom shall be installed around the downstream perimeter of the active work zone in order to help contain floating debris and suspended sediments.
- E12. During installation and removal of temporary rolling access bulbs, a floating debris boom and turbidity curtain shall be installed and maintained in order to contain minimize turbidity.
- E13. Temporary construction platforms installed for bank stabilization work shall be removed upon completion of bank stabilization and dredging.
- E14. Temporary unloading platforms shall be removed upon completion of floating dredging.

- E15. Temporary rolling access bulbs and gravel berms shall be removed upon completion of dredging.
- E16. The material utilized in the temporary construction platforms, unloading platforms, rolling access bulbs, and gravel berms shall be disposed of per Conditions F2 and F3.
- E17. Stormwater outfall repairs and replacement shall be conducted in the dry within areas of the temporary access berm, to the extent practicable.
- E18. During cutting, excavation, and replacement of stormwater pipe occurring outside the temporary access berm, a silt fence or turbidity curtain shall be installed, as practicable, to isolate the work area and minimize impacts to water quality.
- E19. During placement of backfill material for temporary unloading platforms, a silt fence or turbidity curtain shall be installed, as practicable, to isolate the work area and minimize impacts to water quality.
- E20. Temporary gravel berms shall be composed of sand and gravel from the dredging or washed sand/gravel from an approved source for in-water placement.
- E21. The Applicant shall operate the barge(s) and other work vessels so as to minimize nearshore propeller wash impacts such as suspension of nearshore sediments.
- E22. Barges and other work vessels shall not be allowed to ground-out during construction.
- E23. The Applicant shall use vegetable-based/biodegradable oil for all equipment working within the watercourse or on the riverbank.

Temporary Sheet Pile Removal Conditions:

- E24. Temporary sheet pile shall be removed from fresh waters.
- E25. Sheet 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.
- E26. Work surface on the barge deck or on uplands shall include a containment basin for sheet pile and any sediment removed during pulling. Basins may be constructed of durable plastic sheeting with sidewalls supported by hay bales or support structure to contain all sediment.

F. Dredging and Disposal Conditions:

- F1. All dredging shall be completed with a mechanical clamshell dredge or excavator digging bucket. **Use of any other type of dredge will require preapproval from Ecology.**
- F2. Dredged materials shall be disposed of through on-site beneficial re-use, off-site upland re-use, and upland landfill. **Use of any other type of disposal method or location requires pre-approval by Ecology.**
- F3. Dredged material shall be placed on the temporary berm above water level or onto a material barge. Some of this material may be utilized as temporary fill on site during the project. Material being taken off site shall be loaded into trucks for delivery to an upland beneficial reuse site or appropriate upland disposal facility.
- F4. The unloading platforms, temporary berms, and any other transloading sites shall be sloped with wattles installed and maintained along the edges in order to prevent turbid water from flowing to waters of the state.
- F5. Dredged material shall not be stockpiled on a temporary or permanent basis below the ordinary high water line.
- F6. Caution shall be used when placing material from the bucket into the barge to limit splash and prevent spillage.
- F7. A floating debris boom shall be installed around the downstream wetted boundary of the barge during unloading activities in order to help contain floating debris and suspended sediments. Sediment containment systems (e.g., side boards, filter fabric) shall be installed on the barges in order to minimize turbid water from being discharged to waters of the state.
- F8. All debris (larger than 2 feet in any dimension) shall be removed from the dredged sediment prior to on-site beneficial reuse. Similar sized debris found floating in the dredging or disposal area shall also be removed. This debris shall be disposed of upland such that it does not enter waters of the state.
- F9. During dredging, the Applicant shall have a boat available on site at all times to retrieve debris from the water.
- F10. 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.

- F11. The Dredge operator shall pause the bucket at the surface, after its ascent through the water column, to minimize turbidity by allowing free water to drain from the bucket prior to swinging the bucket to the barge.
- F12. A **Dredging and Disposal Plan** is required and the Applicant shall submit the plan to Ecology for review and approval per Condition A2 of this Order at least two (2) weeks prior to the start of dredging. The plan shall identify methods, procedures, and equipment that will be used and describe how water quality impacts will be minimized during dredging and disposal activities. Notification information also shall be included in this plan.
- F13. Prior to each dredging cycle, the Applicant shall contact the Dredged Material Management Program (DMMP) agencies to determine whether additional sediment testing is required. If additional testing is required, no dredging or disposal shall be conducted until the material has been tested and a suitability determination has been issued. This area ranks moderate in potential for contamination and the recency determination extends until July 2019. Contact the Dredged Material Management Office for a possible extension.

G. Emergency/Contingency Measures:

- G1. The Applicant shall develop and implement a Spill Prevention and Containment Plan for all aspects of this project.
- G2. 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.
- G3. 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.
- G4. 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 take appropriate measures 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 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.

H. Timing Requirements

- H1. 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.
- H2. This Order is valid until all compliance requirements in this document have been met.

I. Reporting and Notification Requirement Conditions

- I1. Applicant shall provide notice to Ecology's 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-2013-804, Order #11634 can take place by telephone to (425) 649-7129 or (425) 649-7000, fax to (425) 649-7098, or in writing.

- I2. 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.

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 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.) 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 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



July 8, 2015

ATTACHMENT A

**CITY OF RENTON
CEDAR RIVER MAINTENANCE DREDGING PROJECT
Water Quality Certification Order #11634**

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

I have read and understand the conditions of Order #11634 Section 401 Water Quality Certification for the City of Renton Cedar River Maintenance Dredging 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