



STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY

PO Box 47600 • Olympia, WA 98504-7600 • 360-407-6000

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December 16, 2015

Port of Skagit
ATTN: Ms Heather Haslip
15400 Airport Drive
Burlington WA 98233

RE: Water Quality Certification Order No. 11252 for Corps Public Notice No. 2014-1080, La Conner Marina Maintenance Dredging and Piling Replacement, Skagit County, Washington

Dear Ms. Haslip:

On March 12, 2015, the Port of Skagit submitted a Joint Aquatic Resources 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 La Conner Marina Maintenance Dredging and Piling Replacement, Skagit County, Washington.

The proposed project includes dredging of up to 136,500 cubic yards of sediment over approximately 634,570 square feet in the North Basin and 376,050 square feet in the South Basin from the entrance channel and main basins of the Port of Skagit La Conner Marina.

Additional work includes replacing broken, damaged, or decayed timber creosote piles within both the North and South basins. The applicant estimates replacement of up to 20 piles per year, per basin, as part of this proposal.

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 Helen Pressley at (360) 407-6076. The enclosed Order may be appealed by following the procedures described in the Order.

Sincerely,

A handwritten signature in black ink, appearing to read "Brenden McFarland".

Brenden McFarland
Shorelands and Environmental Assistance Program

Ms. Heather Haslip
December 16, 2015
Page 2

Enclosure

cc: Frank Nichols, Corps of Engineers Seattle District
Bob Warinner, WDFW
Brenda Werden, DNR

by certified mail 7009 0820 0001 9056 0441

e-cc: ECY RE FEDPERMITS
Loree Randall – HQ, SEA
Helen Pressley, Ecology
Bob Fritzen, Ecology
Grant Yang, Ecology

IN THE MATTER OF GRANTING A)	ORDER #11252
WATER QUALITY)	Corps Reference No. 2015-1080
CERTIFICATION TO)	Dredging of up to 136,500 cubic yards of
Port of Skagit)	sediment from the North and South Basins and
in accordance with 33 U.S.C. 1341)	removal of up to 20 treated piling per year per
(FWPCA § 401), RCW 90.48.120, RCW)	basin for a period of 10 years in the Port of
90.48.260 and Chapter 173-201A WAC)	Skagit La Conner Marina, Skagit County,
		Washington

TO: Port of Skagit
 Attn: Ms. Heather Haslip
 15400 Airport Drive
 Burlington WA 98233

On March 12, 2015, the Port of Skagit 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 May 1, 2015.

The work includes dredging up to 136,500 cubic yards of sediment over approximately 634,570 square feet in the North Basin and 376,050 square feet in the South Basin from the entrance channel and main basins of the Port of Skagit La Conner Marina. Dredging would be performed to a target depth of -12 feet mean lower low water (MLLW) with up to one-foot of over-dredge to a maximum depth of -13 feet MLLW. Work would be completed using a barge-mounted clamshell dredge and/or excavator; dredged material would be placed on a barge and transported to the Port Gardner open-water site for disposal. A 10-year maintenance dredge and disposal cycle is proposed.

Additional work includes replacing broken, damaged, or decayed timber creosote piles within both the North and South basins. Piles to be replaced would be removed using vibratory methods and replaced in their existing locations with 12-inch-diameter steel piles. The steel piles would be driven by vibratory hammer. Pile replacement pertains only to float piles. Piles supporting other structures, such as approach piers, are not included. No change in the number of existing piles is proposed (currently there are 135 wood float piles in the North Basin and 192 in the South Basin). The applicant estimates replacement of up to 20 treated piles per year, per basin, as part of this proposal.

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 Port of Skagit 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 fednotification@ecy.wa.gov. Any submittals shall reference Order 11252 and Corps Reference # NWS-2015-1080.
3. All notifications listed below shall be made via phone to Helen Pressley, 360-407-6076, or e-mail at fednotification@ecy.wa.gov. These notifications shall be identified with Order 11252 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 each in-water work window.

4. Work authorized by this Order is limited to the work described in the Joint Aquatic Resources Permit Application (JARPA) received by Ecology on March 12, 2015, 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 (including wetlands) 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. Water Quality Conditions:

1. This order does not authorize temporary exceedances of water quality standards beyond the limits established in WAC 173-201A-210(1)(e)(i)(D).
 - The area of mixing established for marine waters is a 150 foot radius surrounding the in-water activity. Turbidity occurring outside that zone that is more than 5 nephelometric turbidity units (NTU) over background when the background is 50 NTU or less, or a 10% increase in turbidity when the background turbidity is more than 50 NTU is a violation of the turbidity water quality standard.
 - Visible turbidity anywhere at 150 foot point of compliance from the activity and/or the disposal location shall be considered to be an exceedance of the standard.

C. Water Quality Monitoring:

1. The Applicant shall submit a water quality monitoring plan to Ecology per Condition A2 at least 14 days prior to dredging. **This plan shall be approved by Ecology prior to the start of any in-water work.** The plan shall include at a minimum the following information:
 - a. Name and contact information of the person or firm responsible for monitoring;
 - b. Map of sample locations including background, 150 feet upcurrent from the activity, 100 feet downcurrent from the activity (early warning), 150 downcurrent from the activity (at the point of compliance) at or near the surface, midway, and bottom depths. For this project the point of compliance is a radius of 150 feet from the activity that may cause a turbidity exceedance.
 - c. Parameter to be monitored: turbidity.

9. 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 bottom dump scow.
10. A pre-dredge meeting is required to be convened prior to the start of each dredging season. A **Dredging Plan** is required and shall be submitted to Ecology to the 401/CZM Federal permit coordinator at the address shown in Condition A2 for review and approval 1 month prior to the initial pre-construction meeting. A new dredging plan shall be submitted for review and approval for subsequent years as needed.
11. Prior to each dredging cycle, the Applicant shall contact the 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 new suitability determination has been issued. This area ranks low in potential for contamination and the recency determination extends until June, 2021. Contact the DMMO for a possible extension on the suitability determination.

E. Piling Pulling and Replacement:

1. The Applicant shall review and implement appropriate BMPs from Attachment B, *Washington Department of Natural Resources Derelict Creosote Piling Removal Best Management Practices For Pile Removal & Disposal* updated 3/19/2013 or later and select appropriate best management practices (BMPS) to be used on this project.
2. Appropriate BMPs shall be included in the dredging plan required in condition D10 above.

F. Timing Requirements:

1. All in-water work shall be completed by the end of the work window (July 15 through February 14) identified in the most current HPA issued for this project. Any project change that requires a new or revised HPA should also be sent to Ecology for review.
2. This Order shall remain in effect for a period of 10 years from date of issuance. Continuing this project beyond the 10 year term of this Order will require separate certifications every 10 years.

G. 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:

- d. Sample method;
 - e. Frequency, and
 - f. Steps to be taken if monitoring results indicate an exceedance has occurred. The amount of the exceedance and the reason for the exceedance shall also be reported.
2. If changes to the WQMP are proposed at any time during the duration of this Order, the Applicant shall submit a revised plan to Ecology for review and approval. The Applicant shall allow at least a 14 day review time for Ecology. Following Ecology's approval, the Applicant shall comply with the approved, updated WQMP.
 3. Turbidity monitoring reports shall be sent weekly to the 401/CZM Federal permit coordinator. The permit coordinator shall be contacted within 24 hours if an exceedance occurs.

D. Dredging and Disposal:

1. All dredging is to be done using a barge-mounted clamshell dredge and/or excavator. **Use of any other type of dredge requires prior approval from Ecology.**
2. All dredged material will be taken by barge to the Port Gardner open water site for disposal. **Use of any other type of disposal method or location requires prior approval from Ecology.**
3. For material being taken to open water disposal sites, all debris (larger than 2 feet in any dimension) shall be removed from the dredged sediment prior to disposal. Similar sized debris found floating in the dredging or disposal area shall also be removed.
4. 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.
5. Dredged material shall not be stockpiled on a temporary or permanent basis below the ordinary high water line.
6. During dredging, the Applicant shall have a boat available on site at all times to retrieve debris from the water.
7. The scow shall not be overfilled to the point where dredge material overtops the sidewalls.
8. Caution shall be used when placing material from the bucket into the scow to limit splash and prevent spillage.

- 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) 407-6076.
 - 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.
 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 Hearings 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:

Helen Pressley
Department of Ecology
HQ SEA Program Environmental Review and Transportation
300 S Desmond Dr
Lacey WA 98504

360-407-6076
ECY RE FEDPERMITS

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 WAC – Sediment Management Standards

www.ecy.wa.gov/biblio/wac173204.html

Chapter 173-201A WAC – Water Quality Standards for Surface Waters of the State of Washington

www.ecy.wa.gov/biblio/wac173201A.html

SIGNATURE

Dated this December 16, 2015 in Olympia, WA



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

ATTACHMENT A

**Port of Skagit La Conner Marina
La Conner Marina Maintenance Dredge
Water Quality Certification Order #11252**

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

I have read and understand the conditions of Order #11252 Section 401 Water Quality Certification for the Port of Skagit La Conner Marina Maintenance Dredge. I have also read and understand all permits, plans, documents, and approvals associated with the project referenced in this order.

Signature

Date

Print Name

Company

Title

Attachment B

Washington Department of Natural Resources Derelict Creosote Piling Removal Best Management Practices For Pile Removal & Disposal Updated 03/19/2013

The following Best Management Practices (BMPs) are adapted from EPA guidance (2005), Washington State Department of Transportation (WSDOT) methods and conservation activities as included in Joint Aquatic Resources Protection Application (JARPA) 2005, and Washington State Department of Resources (WADNR) "Standard Practice for the Use and Removal of Treated Wood and Pilings on and from State-Owned Aquatic Lands" 2005, as well as WADNR's practical experience through managing piling removal projects since 2006.

The purpose of these BMPs is to control turbidity and sediments re-entering the water column during pile removal, and prescribe debris capture and disposal of removed piles and debris.

BMP 1. PILE REMOVAL

Crane operator shall be experienced in pile removal. Piles will be removed slowly. This will minimize turbidity in the water column as well as sediment disturbance. Pulled pile shall be placed in a containment basin to capture any adhering sediment. This should be done immediately after the pile is initially removed from the water.

A. Vibratory extraction

1) This is the preferred method of pile removal. Vibratory extraction shall always be employed first unless the pile is too decayed or short for the vibratory hammer to grip. After consultation with WADNR, the alternative options listed below may be used.

2) The vibratory hammer is a large mechanical device (5-16 tons) that is suspended from a crane by a cable. The hammer is activated to loosen the piling by vibrating as the piling is pulled up. The hammer is shut off when the end of the piling reaches the mudline. Vibratory extraction takes approximately 15 to 30 minutes per piling depending on piling length and sediment condition.

3) Operator will "Wake up" pile to break up bond with sediment. Vibrating breaks the skin friction bond between pile and soil. Bond breaking avoids pulling out a large block of soil – possibly breaking off the pile in the process. Usually there is little or no sediment attached to the skin of the pile during withdrawal. In some cases material may be attached to the pile tip, in line with the pile.

B. Direct Pull

- 1) This method is optional if the contractor determines it to be appropriate for the substrate type, pile length, and structural integrity of the piling. Vibratory extractor must be attempted first unless there is risk of greater disturbance of sediments.
- 2) Pilings are wrapped with a choker cable or chain that is attached at the top to a crane. The crane pulls the piling directly upward, removing the piling from the sediment.

C. Clamshell Removal

- 1) Broken and damaged pilings that cannot be removed by either the vibratory hammer or direct pull may be removed with either a clamshell bucket or environmental clamshell.
- 2) A clamshell is a hinged steel apparatus that operates like a set of steel jaws. The bucket is lowered from a crane and the jaws grasp the piling stub as the crane pulls up.
- 3) The size of the clamshell bucket shall be minimized to reduce turbidity during piling removal.
- 4) The clamshell bucket shall be emptied of material onto a contained area on the barge before it is lowered into the water.

D. Cutting

- 1) Is required if the pile breaks at or near the existing substrate and cannot be removed by other methods.
- 2) If a pile is broken or breaks above the mudline during extraction, all of the methods listed below should be used to cut the pile.
 - a. The pile should be cut 1 foot below the mudline.
 - b. Piles shall be cut off at lowest practical tide condition and at slack water. This is intended to reduce turbidity due to reduced flow and short water column through which pile must be withdrawn.
 - c. In subtidal areas, if the piling is broken off at or below the mudline, the piling may remain. In intertidal areas, seasonal raising and lowering of the beach could expose the pilings above the mudline and leach out PAH's or other contaminants. In this case, the piling should be cut off at least one foot below the mudline.
 - d. No hydraulic jetting devices shall be used to move sediment away from piles.
 - e. The contractor shall provide the location of all the broken and cut piles using a GPS.

BMP 2. BARGE OPERATIONS, WORK SURFACE, CONTAINMENT

- A. Barge grounding will not be permitted.

B. Work surface on barge deck or pier, or upland staging area shall include a containment basin for all treated materials and any sediment removed during pulling. Creosote shall be prevented from re-entering the water. Uncontaminated water run-off can return to the waterway.

1) Containment basin shall be constructed of durable plastic sheeting with continuous sidewalls supported by hay bales, ecology blocks, other non-contaminated materials, or support structure to contain all sediment and creosote. Containment basin shall be lined with oil absorbent boom.

2) Work surface on barge deck and adjacent pier shall be cleaned by disposing of sediment or other residues along with cut off piling as described in BMP #4.B.

3) Containment basin shall be removed and disposed in accordance with BMP #4.B or in another manner complying with applicable federal and state regulations.

4) Upon removal from substrate the pile shall be moved expeditiously from the water into the containment basin. 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.

BMP 3. DEBRIS CAPTURE IN WATER

A. A floating surface boom shall be installed to capture floating surface debris. The floating boom shall be equipped with absorbent pads to contain any oil sheens. Debris will be collected and disposed of along with cut off piling as described in BMP #4.

B. The boom may be anchored with four or fewer $\frac{1}{2}$ ecology blocks or a similar anchoring device. These anchors must be removed once the project is complete. The anchor system shall be located to avoid damage from vessel props to eelgrass, kelp, and other significant macroalgae species. The line length between the anchor and surface float shall not exceed the water depth as measured at extreme high tide plus a maximum of 20 percent additional line for scope. The buoy system shall include a subsurface float designed to keep the line between the anchor and surface float from contacting the bottom during low tide cycles. The subsurface float shall be located off the bottom a distance equal to $\frac{1}{3}$ the line length.

C. The boom shall be located at a sufficient distance from all sides of the structure or piles that are being removed to ensure that contaminated materials are captured. The boom shall stay in its original location until any sheen present from removed pilings has been absorbed by the boom. BMP #3B may be used to keep the boom in its original location.

D. Debris contained within boom shall be removed at the end of each work day or immediately if waters are rough and there is a chance that debris may escape the boom.

E. To the extent possible all sawdust shall be prevented from contacting beach, bed, or waters of the state. For example, sawdust on top of decking should be removed immediately after sawing operations.

F. Any sawdust that enters the water shall be collected immediately and placed in the containment basin.

G. Piles removed from the water shall be transferred to the containment basin without leaving the boomed area to prevent creosote from dripping outside of the boom.

BMP 4. DISPOSAL OF PILING, SEDIMENT AND CONSTRUCTION RESIDUE

A. Piles shall be cut into lengths as required by the disposal company.

B. Cut up piling, sediments, absorbent pads/boom, construction residue and plastic sheeting from containment basin shall be packed into container. For disposal, ship to an approved Subtitle D Landfill.

C. Creosote-treated materials shall not be re-used.

BMP 5. RESUSPENSION/TURBIDITY

A. Crane operator shall be trained to remove pile from sediment slowly.

B. Work shall be done in low water and low current, to the extent possible.

C. Removed piles shall be placed in a containment facility.

D. Sediments spilled on work surfaces shall be contained and disposed of with the pile debris at permitted upland disposal site.

E. Holes remaining after piling removal shall not be filled.

BMP 6. PROJECT OVERSIGHT

A. WADNR will have a project manager or other assigned personnel on site. Oversight responsibilities may include, but are not limited to the following:

- 1) Water quality monitoring to ensure turbidity levels remain within required parameters
- 2) Ensure contractor follows BMPs
- 3) Ensure contractor is in compliance with contract and permit requirements
- 4) Ensure correct structures are removed
- 5) Maintain contact with regulatory agencies should issues or emergencies arise

BMP 7. CULTURAL RESOURCES

A. In the event that artifacts (other than the pilings or materials attached to them) that appear to be 50 years old or older are found during the project, the WADNR Aquatics archaeologist must be notified in order to evaluate the find and arrange for any necessary consultation and mitigation required by law.

B. If human remains or suspected human remains are found during the project, work in the vicinity will be halted immediately, and the County Coroner must be notified immediately. If the remains are determined to be non-forensic, then the WADNR Aquatics archaeologist will be notified to begin

tribal and Washington State Department of Archaeology and Historic Preservation consultations required by law.

C. If sediment exceeding 1 cubic meter is removed, the WADNR Aquatics archaeologist will be notified and given the opportunity to examine the sediment for cultural materials before it is removed from the containment area.

