



STATE OF WASHINGTON  
DEPARTMENT OF ECOLOGY

PO Box 47775 • Olympia, Washington 98504-7775 • (360) 407-6300

March 28, 2014

Grays Harbor County Public Works Department  
ATTN: Mr. Rob Wilson  
100 W. Broadway, Suite 31  
Montesano, WA 98563

RE: Water Quality Certification Order No. **10547** for Corps Nationwide Permit No. NWS-2013-144 for the Monte-Elma Road/Satsop River Bridge Rehabilitation Project, Satsop River, Grays Harbor County, Washington.

Dear Mr. Wilson:

On January 3, 2013, the Grays Harbor County Public Works Department 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 Monte-Elma Road/Satsop River Bridge Rehabilitation Project, Grays Harbor County, Washington. The U.S. Army Corps of Engineers authorized this project under Nationwide Permit (NWP) 3 on October 21, 2013. The Department of Ecology issued a public notice for the proposed project on November 14, 2013.

The proposed project will repair and paint the steel truss structure, perform a seismic retrofit to the bridge support system, replace riprap around the west pier, and repair the western approach supports.

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 Lori Ochoa at (360) 407-6926. The enclosed Order may be appealed by following the procedures described in the Order.

Sincerely,

Perry J. Lund, Unit Manager  
Shorelands and Environmental Assistance Program  
Southwest Regional Office

Enclosure

By Certified Mail 7012 1010 0003 0195 8824



cc: Ron Wilcox, U.S. Army Corps of Engineers  
Erik Schwartz, Herrera Environmental Consultants  
Gloria Rogers, WDFW  
Ryan Harriman, Grays Harbor Planning

e-cc: [ecyrefedpermits@ecy.wa.gov](mailto:ecyrefedpermits@ecy.wa.gov)  
Lori Ochoa – Ecy, SWRO-SEA  
Loree' Randall – Ecy, HQ-SEA  
Rick Mraz– Ecy, SWRO-SEA  
Deborah Cornett –Ecy, SWRO-WQ

**IN THE MATTER OF GRANTING A ) ORDER No. 10547**  
**WATER QUALITY ) Corps Reference No. NWS-2013-144**  
**CERTIFICATION TO ) Monte-Elma Road/Satsop River Bridge**  
 Grays Harbor County ) Rehabilitation, Grays Harbor County,  
 Public Works Department ) Washington  
 in accordance with 33 U.S.C. 1341 )  
 (FWPCA § 401), RCW 90.48.120, RCW )  
 90.48.260, and Chapter 173-201A WAC )

TO: Grays Harbor County  
 Public Works Department  
 ATTN: Mr. Fred Becker  
 100 W. Broadway, Suite 31  
 Montesano, WA 98563

On January 3, 2013, Grays Harbor County Public Works Department submitted a Joint Aquatic Resource Permit Application (JARPA) to the Department of Ecology (Ecology) requesting a Section 401 Water Quality Certification. On October 21, 2013, the Corps authorized this project under Nationwide Permit (NWP) 3, Maintenance. A public notice regarding the request was distributed by Ecology for the above-referenced project pursuant to the provisions Chapter 173-225 WAC on November 14, 2013.

The work associated with this project involves painting and the seismic retrofit of the bridge, repairing the concrete approach supports, and replacing rip rap protection around the west pier. Up to 550 cubic yards of heavy, loose riprap will be placed around the west pier covering an area of approximately 3,700 square feet. Approximately 475 cubic yard of this amount will be located water-ward of the Ordinary High Water Mark (OHWM) of the river and will be placed in roughly the same location of riprap that was placed in 1993, but will extend approximately 100 feet along the bank and water-ward face of the pier and approximately 30 feet into the channel from the OHWM into an existing scour hole. A minimum of eight pieces of large wood will be incorporated into the upstream and downstream area of rock along the shoreline. The purpose of the project is to repair and rehabilitate the existing Monte-Elma Road Bridge to achieve structural and safety standards.

The project is located along the Monte-Elma Road, between mileposts 6.16 and 6.29, where it crosses the Satsop River at approximately river mile (RM) 2.5, upstream from its confluence with the Chehalis River, Grays Harbor County, Washington; within Section 36 of Township 18 North, Range 7 West of the Willamette Meridian; WRIA 22, Lower Chehalis Watershed.

**AUTHORITIES:**

In exercising authority under 33 U.S.C. § 1341, 16 U.S.C. § 1456, RCW 90.48.120, and RCW 90.48.260, Ecology has examined this application pursuant to the following:

1. Conformance with applicable water-quality-based, technology-based, and toxic or pretreatment effluent limitations as provided under 33 U.S.C. §1311, 1312, 1313, 1316, and 1317 (FWPCA § 301, 302, 303, 306 and 307);

2. Conformance with the state water quality standards contained in Chapter 173-201A WAC and authorized by 33 U.S.C. §1313 and by Chapter 90.48 RCW, and with other applicable state laws; and,
3. Conformance with the provision of using all known, available, and reasonable methods to prevent and control pollution of state waters as required by RCW 90.48.010.

#### **WATER QUALITY CERTIFICATION CONDITIONS:**

Through issuance of this Order, Ecology certifies that it has reasonable assurance that the activity as proposed and conditioned will be conducted in a manner that will not violate applicable water quality standards and other appropriate requirements of state law. In view of the foregoing and in accordance with 33 U.S.C. §1341, RCW 90.48.120, RCW 90.48.260 Chapter 173-200 WAC and Chapter 173-201A WAC, water quality certification is granted to the Applicant subject to the conditions within this Order.

Certification of this proposal does not authorize the Applicant to exceed applicable state water quality standards (Chapter 173-201A WAC), ground water standards (Chapter 173-200 WAC) or sediment quality standards (Chapter 173-204 WAC). Furthermore, nothing in this certification shall absolve the Applicant from liability for contamination and any subsequent cleanup of surface waters, ground waters or sediments occurring as a result of project construction or operations.

#### **A. General Conditions:**

1. For purposes of this Order, the term "Applicant" shall mean the Grays Harbor County Public Works Department and its agents, assignees, and contractors.
2. For purposes of this Order, all submittals required by its conditions shall be sent to Ecology's Southwest Regional Office, Attn: Federal Permit Manager, SEA Program, P.O. Box 47775, Olympia, WA 98504-7775 or by e-mail (preferred) to [loch461@ecy.wa.gov](mailto:loch461@ecy.wa.gov). Any submittals shall reference Order No. **10547** and Corps No. **NWS-2013-144**.
3. Work authorized by this Order is limited to the work described in the JARPA received by Ecology on January 3, 2013. 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.
4. Within 30 days of receipt of an updated JARPA Ecology will determine whether the revised project requires a new water quality certification and public notice or if a modification to this Order is required.

5. This Order does not exempt, and is provisional upon, compliance with other statutes and codes administered by federal, state, and local agencies.
6. 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.
7. 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.
8. 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.
9. 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.
10. 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.
11. 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. Water Quality Conditions:**

1. The Satsop River at River Mile (RM) 2.5 is classified as "Core Summer Salmonid Habitat" and the criteria of that class apply except as specifically modified or otherwise authorized by this Order.
2. This Order authorizes a temporary turbidity mixing zone for the following activity:

Activity	Point of Compliance	Duration
Rip Rap and Large Wood Placement	600 ft down current	For 14 days within the work window of July 15 through August 31, 2014

3. The Applicant shall conduct water quality monitoring as described in the approved *Water Quality Monitoring and Protection Plan, Monte-Elma Road/Satsop River Bridge*

*Rehabilitation Project* prepared by Herrera Environmental Consultants, Inc. dated February 14, 2014.

4. Ecology must approve, in writing, and changes or additions to the WQMPP.
5. Results of the water quality monitoring shall be documented in a report and submitted to the Ecology Federal Permit Manager, weekly during the period of in-water work activities, per Condition A.2.
6. Notification of exceedances: Notification of exceedances that are detected through water quality Monitoring shall be made to Ecology **within 24 hours of occurrence**. Notification shall be made with reference to Order No. **10547**, Attn: Federal Permit Manager, by telephone at (360) 407-6926 or by e-mail at loch461@ecy.wa.gov. The Applicant shall, at a minimum, provide Ecology with the following information:
  - a. A description of the nature, extent, and cause of the exceedance.
  - b. The period of non-compliance, including exact dates, duration, and times and/or the anticipated time when the project will return to compliance.
  - c. The steps taken, or to be taken, to reduce, eliminate, and prevent recurrence of the non-compliance.
  - d. 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, water quality monitoring results and location, photographs, and any other pertinent information.
7. Mitigation and/or additional monitoring may be required if the monitoring results indicate that the water quality standards have not been met.

**C. Timing:**

1. This Order will expire March 18, 2017. Continuing the project beyond this term will require written authorization from Ecology.
2. In-water work shall be subject to the timing limitations imposed by the most current Hydraulic Project Approval (HPA) issued by the Washington Department of Fish and Wildlife's (WDFW) for this project.

**D. Notification Conditions:**

1. Written notification (FAX, e-mail, or mail) shall be made to Ecology's Southwest Regional Office Federal Permit Manager in accordance with condition A.2 above for the following activities:
  - a. At least ten (10) days prior to the onset of in-water work in each construction season.
  - b. Within ten (10) days after the completion of construction for each construction season.

- c. Immediately following a violation of the state water quality standards or any condition of this Order.
2. If project construction is not completed within thirteen (13) months of issuance of this Order, the Applicant shall submit a written construction status report. Status reports shall be submitted every twelve (12) months thereafter until project construction is complete.

**NOTE:** These notifications shall include the Applicant's name, project name, Order No. **10547** Corps Reference No. **NWS-2013-144**, project location, contact name, and contact's phone number.

#### **E. Construction Conditions:**

##### **General Construction**

1. All work in and near the water shall be done so as to minimize turbidity, erosion, and other water quality impacts. Construction stormwater, sediment, and erosion control Best Management Practices (BMPs) suitable to prevent exceedances of state water quality standards shall be in place before starting clearing, filling, and grading work and shall be maintained throughout construction.
2. The project shall be clearly marked/staked prior to construction. Clearing limits, travel corridors, and stockpile sites shall be clearly marked. Sensitive areas and their buffers that are to be protected from disturbance shall be marked so as to be clearly visible to equipment operators. All project staff shall be trained to recognize construction fencing or flagging that identifies sensitive area boundaries. Equipment shall enter and operate within the marked clearing limits corridors and stockpile areas.
3. Appropriate BMPs shall be implemented to minimize track-out during construction.
4. All construction debris, excess sediment, and other solid waste material shall be properly managed and disposed of in an upland disposal site approved by the appropriate regulatory authority.

##### **Equipment & Maintenance**

5. Equipment used for this project shall be free of external petroleum-based products while used around waters of the state, including wetlands. Accumulation of soils or debris shall be removed from the drive mechanisms (wheels, tires, tracks, etc.) and the undercarriage of equipment prior to its use around waters of the state.
6. All equipment shall be operated landward of the Ordinary High Water Mark (OHWM) of the river.
7. All equipment used in or near waters of the state shall utilize vegetable-based bio-degradable hydraulic fluid.
8. All machinery and equipment used during project construction shall be serviced, fueled, and maintained in a confined upland area in order to prevent entry to waters of the state.
9. The Applicant shall establish a separate contained area for washing down vehicles and equipment that does not have any possibility of draining to surface waters and/or

wetlands. No wash water containing sediments, oils, grease, or other hazardous materials resulting from wash down of the work area, tools, and equipment, including concrete delivery trucks or other equipment used for concrete work, shall be discharged into state waters or storm drains.

10. Staging, washing, and fueling areas will be located a minimum of 50 feet, and where practical, 200 feet, from waters of the state including wetlands, and shall be provided with adequate spill containment. If a staging area must be located within 50 feet of water of the state, then the Applicant shall provide a written explanation and obtain approval from Ecology's Southwest Regional Federal Permit Manager prior to locating the staging area within the setback area.
11. All construction equipment shall be clean and inspected daily before use to ensure that the equipment is free from external petroleum products and has no fluid leaks.

### **In & Over-Water Work**

12. In-water work shall be minimized to the extent practicable and conducted during low flow conditions. If high-flow conditions are encountered during periods of in-water work, work will stop until the high flow subsides.
13. Full containment shall be provided during bridge sand-blasting, cleaning, painting, and sealing so that substances do not enter waters of the state.
14. Bank protection material will be clean, angular rock and shall be cleaned of soil accumulations prior to placement to minimize the potential for turbidity.
15. Rock placement shall be performed in a manner and rate to minimize disturbance of the bank and riverbed.
16. No excavation shall occur within the river channel.
17. The toe shall be established prior to any dumping of rock to help confine the material to the bank face.
18. The Applicant shall have a boat available and on site during in-water activities to immediately retrieve any debris entering the water.
19. No petroleum products, fresh concrete, lime, paint, or other chemicals and toxic or deleterious materials shall be allowed to enter waters of the state.
20. Spill protection measures shall be in place prior to any concrete delivery over water.
21. Concrete delivery systems situated over water shall be inspected daily to prevent any discharges of concrete and/or slurry water into waters of the state.
22. All concrete shall be poured in the dry, or within confined waters not being dewatered, and shall be completely cured prior to coming into contact with waters of the state.
23. Uncured concrete and concrete by-products shall be completely sealed off and totally contained using sealed forms or other leak-proof containment systems.
24. Concrete process water shall not enter waters of the state. Any concrete process/contact water discharged from a confined area shall be routed to a contained area to be treated and disposed of appropriately with no possible entry to waters of the state.

**F. Mitigation Measures:**

All disturbed areas will be seeded with native grass within seven (7) days following construction activity. Additional native woody vegetation will be planted in all disturbed areas and areas within twenty (20) feet of the stream.

**G. Emergency/Contingency Measures:**

1. The Applicant shall develop and implement a Spill Prevention and Countermeasures (SPCC) Plan for all aspects of this project and shall have spill cleanup materials and an emergency call list available on site at all times.
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 situations should 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 24hours of spills or other events, notify Ecology's 401/CZM Federal Permit Manager at 360-407-6296.
  - f. Submit a detailed written report to Ecology's Federal Permit Manager 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 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**

<b>Street Addresses</b>	<b>Mailing Addresses</b>
<b>Department of Ecology</b> Attn: Appeals Processing Desk 300 Desmond Drive SE Lacey, WA 98503	<b>Department of Ecology</b> Attn: Appeals Processing Desk PO Box 47608 Olympia, WA 98504-7608
<b>Pollution Control Hearings Board</b> 1111 Israel Rd SW STE 301 Tumwater, WA 98501	<b>Pollution Control Hearings Board</b> PO Box 40903 Olympia, WA 98504-0903

**CONTACT INFORMATION**

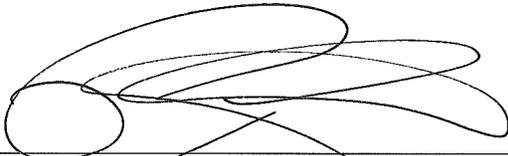
Please direct all questions about this Order to:

Lori Ochoa, Federal Permit Manager  
Department of Ecology  
Southwest Regional Office  
P.O. Box 47775  
Lacey, WA 98504-7775  
Loch461@ecy.wa.gov

**MORE INFORMATION**

- **Pollution Control Hearings Board Website**  
[www.eho.wa.gov/Boards\\_PCHB.aspx](http://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**



Perry J Lund, Unit Manager  
Shorelands and Environmental Assistance Program  
Southwest Regional Office  
Department of Ecology

3/28/2014  
Date



**Attachment A**

Grays Harbor County  
Public Works Department  
Monte-Elma Road/Satsop River Bridge Rehabilitation  
Order No. 10547  
And  
Corps Reference No. NWS 2013-144  
Statement of Understanding  
Water Quality Certification Conditions

I, \_\_\_\_\_, state that, I will be involved as an agent or contractor for the Grays Harbor Public Works Department in the Monte-Elma Road/Satsop River Bridge Rehabilitation Project located along Monte-Elma Road between mile posts 6.16 and 6.29, where it crosses the Satsop River at approximately river mile (RM) 2.5 upstream from its confluence with the Chehalis River, Grays Harbor County, Washington. I further state that I have read and understand the relevant conditions of the Washington Department of Ecology Water Quality Certification Order No. 10547 and the applicable permits and approvals referenced therein that pertain to the project-related work for which I am responsible.

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date

\_\_\_\_\_  
Title

\_\_\_\_\_  
Phone

\_\_\_\_\_  
Company

