STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY
Northwest Regional Office • 3190 160th Avenue SE • Bellevue, Washington 98008-5452 • (425) 649-7000

January 11, 2011

King County Road Department of Transportation
Road Services Division
Attn: Jim Sussex, Engineer III
201 S. Jackson Street, M.S. KSC-TR-0231
Seattle, WA 98104

RE: Water Quality Certification Order #8006 for U.S. Coast Guard Public Notice #10-N-01, South Park Bridge Project, King County, Washington

Dear Mr. Sussex:

On December 9, 2009, King County Road Department of Transportation, Road Services Division 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 South Park Bridge 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

Erik Stockdale, Unit Supervisor
Northwest Regional Office
Shorelands and Environmental Assistance Program

ES:rrp:cja

Enclosure

By certified mail: 7010 0290 0000 8205 3045

cc: Austin Pratt, U.S. Coast Guard
Jack Kennedy, U.S. Army Corps of Engineers
Laura Arber, Washington Department of Fish and Wildlife
Ryan McReynolds, U.S. Fish and Wildlife Service
Sean Callahan, NOAA Fisheries
Glen St. Amant, Muckleshoot Indian Tribe

e-cc: Dave Radabaugh – NWRO
Brad Helland – NWRO
Laura Inouye – HQ
Bob Wright – NWRO
Rachel McCrea – NWRO
Patrick McGraner – NWRO
Loree' Randall – HQ
Raman Iyer – NWRO
ecyrefedpermits@ecy.wa.gov

IN THE MATTER OF GRANTING A WATER QUALITY CERTIFICATION TO King County Road Department of Transportation, Road Services Division in accordance with 33 U.S.C. 1341 (FWPCA § 401), RCW 90.48.120, RCW 90.48.260 and Chapter 173-201A WAC	)	**ORDER #8006** **U.S. Coast Guard #10-N-01** South Park Bridge Project; Duwamish Waterway, King County, Washington.

TO: King County Road Department of Transportation,
Road Services Division
Attn: Jim Sussex, Engineer III
201 S. Jackson Street, M.S. KSC-TR-0231
Seattle, WA 98104

On December 9, 2009, King County Road Department of Transportation, Road Services Division 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. Coast Guard (Coast Guard) for the above-referenced project pursuant to the provisions of Chapter 173-225 WAC on January 14, 2010.

The bridge replacement proposal includes:

- Construction of a new bridge: A new 915-foot-long (abutment to abutment), 70-foot 8-inch-wide movable-span bridge will be constructed immediately downriver of and parallel to the existing bridge, along with two large in-water foundation piers. The foundation piers will require dredging of approximately 26,237 cubic yards of sediment within 58-square-foot caissons, to a depth of 30 feet below the mud line. For the south bascule, the upper 6 feet of dredged material will be disposed of at an appropriate hazardous material disposal site, and the dredged material below 6 feet will be disposed of at an approved open-water disposal site in Elliott Bay. For the north bascule, the upper 10 feet of dredged material will be disposed of at an appropriate hazardous material disposal site, and the dredged material below 10 feet will be disposed of at an approved open-water disposal site in Elliott Bay. Approximately 11,000 cubic yards of backfill will be temporarily placed within the two cofferdams, and subsequently removed during foundation construction. A new steel protection pier system will be installed, including approximately 179 piles.

- Removal of existing bridge: The existing 1,045-foot-long (abutment to abutment), 52-foot-wide bridge, along with two large in-water foundation piers will be removed. The existing creosote-treated timber protection pier system (approximately 350 piles and 100 feet of fender system on the south side of the river along with 195 feet on the north side) also will be removed.

- Temporary structures:

  Existing bridge removal: Two temporary demolition work trestles/platforms will be installed and later removed in order to facilitate removal of the existing bridge. These approximately 16,089-square-foot trestles will include 183 2-foot-diameter steel pipe piles. Two 75- by 50-foot sheet pile cofferdams, two 63- by 22-foot cofferdams, and one 63- by 16-foot cofferdam will be constructed around each of the existing in-water bridge piers and later removed.

  New bridge: Two temporary construction work trestles/platforms will be installed and later removed for construction of the new bridge. These approximately 14,280-square-foot trestles will include 183 2-foot-diameter steel pipe piles. Two temporary 71-square-foot sheet pile cofferdams will be constructed around the existing in-water bridge piers and later removed.

  An additional 32 16-inch-diameter piles will be used to guide installation of the sheetpile for the cofferdams.

- Sand blanket: Approximately 1,041 cubic yards of clean sand or gravel will be placed prior to pile or cofferdam installation to cover the work area in order to minimize re-suspension of potentially contaminated sediment.

- Upland construction: Six buildings on properties adjacent to the existing bridge on the south side of the waterway will be demolished to accommodate the new bridge alignment and to provide construction staging areas, several streets will be reconfigured, and public access improvements will be made along the shoreline.

This Order does not cover maintenance or removal of the new bridge.

Mitigation for the proposal includes shoreline enhancement along 280 linear feet of the southern shoreline. This restoration work involves removal of bank armoring, creation of new intertidal zone, riparian planting, and placement of boulders and woody debris.

The project is located at the South Park Bridge spanning the Duwamish Waterway along the 14th/16th Avenue South corridor, approximately River Mile 3.9, King County, Washington, Duwamish Waterway, Section 32, T. 24 N., R. 4E., WRIA 9.

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, 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 King County Road Department of Transportation, Road Services Division 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 #8006 and Coast Guard #10-N-01.

A3. Work authorized by this Order is limited to the work described in the JARPA received by Ecology on December 9, 2009. 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. Coast Guard does not issue an individual Bridge Permit or the Army Corps of Engineers does not issue a Corps permit.

A6. 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.

A7. 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.

A8. 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.

A9. 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.

A10. 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.

A11. 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. Mitigation Conditions:

B1. Impacts to aquatic resources shall be mitigated by conducting shoreline restoration. Except as modified by this Order, mitigation measures are depicted on Sheets LM01-LM04 of the South Park Bridge #3179 Replacement CIP 300197, Volume 1 of 4, dated January 2010.

B2. 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.

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, and 5 after the Year 0 report. 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:

- Survival of plantings after two years: 90%; survival after three years: 85%; and survival after four years and beyond: 80%.

d. Maintenance: The Applicant is responsible for maintenance and protection of the native vegetation planting area both throughout and after the 5-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. Water Quality Conditions:

C1. Duwamish Waterway is classified as "Excellent Quality" and the criteria of that class apply except as specifically modified by this Order. This Order does not authorize

temporary exceedances of water quality standards beyond the limits established in WAC 173-201A-210(1)(e)(i).

C2. In-Water Construction Water Quality Sampling and Monitoring: A Water Quality Protection and Monitoring Plan (Plan) shall be developed and implemented. "In-water construction" is defined as all work below the ordinary high water mark of the Duwamish Waterway.

The Applicant shall submit the Plan for Ecology review and approval per Condition #A2 at least 60 days prior to the start of in-water work.

The Plan shall include the following minimum requirements:

a. 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-210(1)(e)(i), which allows a 150-foot temporary area of mixing for turbidity resulting from disturbance of in-place sediments in Duwamish Waterway. 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.

b. Number of samples: Number and frequency of water quality samples to be taken.

c. Parameter to be sampled: Turbidity, pH and sheen shall be monitored for this project. Additional parameters of concern shall be identified and sampled as appropriate.

d. Equipment: Sampling for turbidity is to be accomplished using a turbidometer properly calibrated according to the operator's manual. A description of the equipment and methodology that will be used to monitor the other parameters; all equipment shall be properly calibrated according to the operator's manuals.

e. Best Management Practices (BMPs): A description of the BMPs that will be used during construction to protect water quality. A description of contingency BMPs that will be used if exceedances occur.

f. Detection of exceedances: Water quality standards for turbidity in "Excellent Quality" 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 the applicable standard at the point of compliance specified in WAC 173-201A-210(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.

g. 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.

h. 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 #8006, 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, sampling results and location, photographs, and any other pertinent information. The report will identify additional BMPs to prevent the exceedance from recurring.

C3. Dewatering: A Dewatering Plan shall be developed and implemented. The Dewatering Plan shall address dewatering activities, water pumped from cofferdams, water displaced from tremie pours, and any other upland or in-water activities that are similar to dewatering activities.

The Applicant shall submit the Dewatering Plan for Ecology review and approval per Condition #A2 at least 60 days prior to the start of in-water work.

The Plan shall include the following minimum requirements associated with the handling, treatment, and discharge/disposal of the dewatering water and dewatered solids:

a. Handling protocols for dewatering water and dewatered solids, including containment and transport as applicable.

b. Full characterization of dewatering water influent for the purposes of identifying parameters present. Include concentrations at which individual parameters will be identified as pollutants of concern.

c. Treatment system description, including appropriateness of the selected treatment technology for the pollutants of concern. Dewatering water may not be discharged to the Duwamish Waterway or conveyed to surface waters unless it meets Surface Water Quality Standards (Chapter 173-201A WAC) for pollutants of concern.

d. Monitoring plan for post-treatment effluent to ensure treatment system effectiveness. The plan shall include parameters of concern, frequency of testing, and reporting.

e. Discharge and disposal plan for dewatering water. The method of discharge shall be designed and operated so as not to cause erosion or scour in state waters, banks, or vegetation. Identify disposal contingencies that will be used if the treated dewatering water does not meet standards for discharge to surface waters.

f. Disposal plan for dewatered solids, including testing protocols and identification of appropriate disposal location(s).

All equipment associated with dewatering activities shall be properly operated and maintained.

D. Conditions for Construction Activities:

General Conditions:

D1. Applicant shall comply with Construction Stormwater General Permit #WAR-012448 for this project.

D2. Construction stormwater, sediment, and erosion control best management practices (BMPs; *e.g.*, filter fences, etc.) suitable to prevent exceedances of state water quality standards shall be in place before starting construction at the site.

D3. Sediment and erosion control measures shall be inspected and maintained prior to and during project implementation.

D4. 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.

D5. 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.

D6. Wastewater shall be contained for proper disposal, and shall not be discharged into state waters or storm drains.

D7. Clean Fill Criteria: Applicant shall ensure that fill (sand and soil) placed for the proposed project does not contain toxic materials in toxic amounts.

D8. 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.

D9. During project demolition or construction, a containment boom and absorbent pads shall be placed around the perimeter of the work area to capture wood debris and other materials released into the waters as a result of construction activities. All accumulated debris shall be collected and disposed of upland at an approved disposal site.

D10. The Applicant shall use tarps or other containment method when cutting, drilling, or constructing over water to prevent debris, sawdust, concrete and asphalt rubble, and other materials from entering the water.

D11. During construction, the Applicant shall have a boat available on site at all times to retrieve debris from the water.

D12. All manmade debris that has been deposited below the Ordinary High Water Line 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.

D13. Project activities shall be conducted to minimize siltation of the beach area and bed.

D14. The Applicant shall operate the barge(s) and tug in deep water so as to minimize nearshore propeller wash impacts such as suspension of nearshore sediments.

D15. Barges shall not be allowed to ground-out during construction.

D16. If cast in place, wet concrete/grout shall be prevented from entering waters of the state. Forms for any concrete/grout structure shall be constructed to prevent leaching of wet concrete/grout. Impervious materials shall be placed over any exposed concrete/grout not lined with the forms that will come in contact with state waters. Forms and impervious materials shall remain in place until the concrete/grout is cured.

D17. All temporary construction work trestles, including pipe piles and sheet pile, shall be removed as soon as practicable and prior to project completion.

D18. The sand blanket shall be placed on the river bottom in a manner that minimizes sediment suspension.

D19. The sand blanket shall be monitored and additional material placed if river scour erodes the sand before all in-water work is completed.

D20. Best management practices (e.g., a spill apron between the barge and cofferdam or elevated and gated hopper on the construction trestle) shall be used in order to minimize spillage of dredged material during movement from the cofferdam to barges or dump trucks.

D21. Cofferdams shall be sealed in order to minimize turbidity or contaminant from entering the Duwamish Waterway during pile driving and bridge pier construction.

D22. Any stormwater commingled with wastewater shall be handled as wastewater.

D23. Any wood, metal, or concrete preservatives, paints, sealers, glues, epoxies, chemicals, or other substances applied to the superstructure of the new bridge shall be fully contained and shall not enter waters of the state.

D24. BMPs shall be utilized on the surface of the temporary work trestles (e.g., fully lined with plastic/filter fabric) in order to contain any spills and prevent discharges of contaminants to waters of the state.

Piling Removal Conditions:

D25. Approximately 350 existing creosote-treated timber piles shall be removed from marine waters. All piling shall be removed by vibratory extraction or crane barge. In the event these pilings break off during extraction, the remaining piling shall be cut at the mudline.

D26. Approximately 366 temporary steel pipe piles shall be removed from marine waters. All piling shall be removed by vibratory extraction or crane barge.

D27. Piles, stubs, debris, and all associated excavated sediments shall be contained and prevented from entering waters of the state.

D28. Piles removed from substrate: the pile shall be moved immediately from the water into the barge or onto uplands. The pile shall not be shaken, hosed-off, left hanging to drip or any other action intended to clean or remove adhering material from the pile.

D29. Work surface on the barge deck or on uplands shall include a containment basin for piles and any sediment removed during pulling of the piling. Basins may be constructed of durable plastic sheeting with sidewalls supported by hay bales or support structure to contain all sediment.

D30. The piles and any sediment removed during pulling of the piling shall be disposed of at an approved upland disposal site.

Pile Driving:

D31. The new temporary and permanent pilings shall be steel.

D32. The steel pilings shall be installed using a vibratory hammer whenever possible. An impact hammer may be used to proof pile, if needed.

Cofferdam Sheet Pile Driving:

D33. The cofferdam sheet pile shall be steel.

D34. The steel cofferdam sheet pile shall be installed using a vibratory hammer whenever possible. Direct pushing may be used or an impact hammer may be used to proof sheet pile, if needed.

Cofferdam Sheet Pile Removal:

D35. The cofferdam sheet pile shall be removed from marine waters. All sheetpile shall be removed by vibratory extraction.

D36. The cofferdam sheet pile and any sediment removed during pulling of the sheet pile shall be disposed of at an approved upland disposal site.

E. Conditions for Dredging and Disposal Activities:

E1. All dredging shall be completed within cofferdams in order to minimize any impacts to water quality.

E2. All dredged material will be transported to either an approved upland disposal site (North Bascule upper 10 feet of material, South Bascule upper 6 feet of material), or to the PSDDA Elliot Bay open-water non-dispersive disposal site. It is preferred that for open-water disposal the dredging and disposal is sequenced such that material with higher chemical concentrations are dredged of and disposed of prior to cleaner materials. This means dredging and open-water disposal of the South Bascule 6-10 ft material should be conducted prior to the deeper native South Bascule material and the deeper North Bascule material (10 ft and deeper).

E3. Dredged material being taken to an upland disposal site shall be placed into a barge or truck for transport by tugboat. The barges shall have sidewalls in order to contain the material within the barge. Barges shall not be overfilled in order to prevent barge overflow. BMPs shall be implemented in order to prevent exceedances of state water quality standards.

E4. 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. This debris shall be disposed of upland such that it does not enter waters of the state. All material being taken to the open water disposal site must be placed into a bottom-dump barge. Barges shall not be overfilled in order to prevent barge overflow.

E5. 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.

E6. Dredged material shall not be stockpiled on a temporary or permanent basis below the ordinary high water line.

E7. The Applicant shall hold a pre-dredge meeting at least seven (7) days prior to the start of dredging.

E8. The Applicant shall provide two (2) copies each of the "Dredging and Disposal Workplan" to Ecology for review and approval. The workplan shall be submitted to Ecology per Condition A2 of this Order at least 14 days prior to the pre-dredge meeting. The workplan shall identify methods (including BMPs), procedures, and equipment that will be used and describe how water quality impacts will be minimized during dredging and in-water disposal activities. Notification information also shall be included in this workplan.

E9. This area ranks high in potential for contamination, and the recency determination extends until February 2012. Contact the DMMO for a possible extension of up to two years.

F. Sediment Sampling Conditions:

F1. The Applicant shall develop a sediment Sampling and Analysis Plan (SAP) for pre- and post-construction sediment sampling and submit the SAP to Ecology (per Condition A2) for its review and approval at least 30 days prior to conducting sediment sampling. Sampling shall be conducted for polychlorinated biphenyls (PCBs) in the vicinity of the project site. Sampling shall not begin until Ecology provides written approval of the SAP.

F2. Construction shall not begin until pre-construction sediment sampling results have been reviewed and analyzed by Ecology. Ecology may require additional measures for project construction based on the results of this sediment sampling.

F3. Post-construction sampling shall be taken after all in-water construction has been completed (including removal of cofferdams) and sand has been placed.

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. This Order expires five (5) years from the date of issuance of the U.S. Coast Guard permit.

I. Reporting and Notification Requirement Conditions

I1. The Applicant shall provide to Ecology's 401/CZM Federal Permit Manager a copy of the final U.S. Coast Guard permit within 2 weeks of receipt of the permit. A copy shall be submitted per condition A2 above.

I2. The Applicant shall provide to Ecology's 401/CZM Federal Permit Manager a copy of the final U.S. Corps of Engineers permit within 2 weeks of receipt of the permit. A copy shall be submitted per condition A2 above.

I3. Applicant shall provide notice to Ecology's 401/CZM Federal Project Manager at least three (3) days prior to the start of construction and within 14 days after completion of construction at the project site. Notification, referencing Coast Guard #10-N-01, Order #8006 can take place by telephone to (425) 649-7129 or (425) 649-7000, fax to (425) 649-7098, or in writing.

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 the following within 30 days of the date of receipt of this Order:

- File your appeal and a copy of this Order with the PCHB (see addresses below). Filing means actual receipt by the PCHB during regular business hours.
- Serve a copy of your appeal and this Order on Ecology in paper form - by mail or in person. (See addresses below.) E-mail is not accepted.

You must also comply with other applicable requirements in Chapter 43.21B RCW and Chapter 371-08 WAC.

ADDRESS AND LOCATION INFORMATION

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

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
rpad461@ecy.wa.gov

MORE INFORMATION

Pollution Control Hearings Board Website
www.eho.wa.gov/Boards_PCHB.aspx

Chapter 43.21B RCW - Environmental 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 173-201A WAC – Water Quality Standards for Surface Waters of the State of Washington
www.ecy.wa.gov/biblio/wac173201A.html

SIGNATURE

Erik Stockdale, Unit Supervisor
Wetlands/401 Unit
Shorelands and Environmental Assistance Program
Northwest Regional Office

January 11, 2011

ATTACHMENT A

KING COUNTY ROAD DEPARTMENT OF TRANSPORTATION,
ROAD SERVICES DIVISION
SOUTH PARK BRIDGE PROJECT
Water Quality Certification Order #8006

Statement of Understanding of
Water Quality Certification Conditions

I have read and understand the conditions of Order #8006 Section 401 Water Quality Certification for the South Park Bridge 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