



STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY

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June 15, 2009

CERTIFIED MAIL

Jason Smith
Washington State Department of Transportation
I-90 Project Office
1710- South 24th Avenue, Suite 100
Yakima, WA 98902

RE: Water Quality Certification, First Amendment, for Order No. 6299

Dear Mr. Smith:

Enclosed is Order No. 6299, First Amendment, for the I-90, Hyak to Lake Keechelus Dam Project in Kittitas County, Washington.

If you have any questions, please contact Kerry Carroll at (360) 407-7503. The enclosed amended Order may be appealed by following the procedures described in the amended Order.

Sincerely,

A handwritten signature in cursive script that reads "Brenden McFarland For".

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

BM:kc
Enclosure

cc: Mark Reynolds, WSDOT



**STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY**

| | | |
|----------------------------------|---|----------------------------------|
| IN THE MATTER OF GRANTING |) | |
| A WATER QUALITY |) | ORDER # 6299 |
| CERTIFICATION TO |) | First Amendment |
| Washington State Department of |) | I-90, Hyak to Lake Keechelus Dam |
| Transportation |) | |

This amendment is issued under the provisions of Chapter 90.48 RCW and Chapter 173-201A WAC.

Administrative Order No. 6299 is hereby amended:

The amendment is as follows

The following construction stormwater conditions for upland activities are added under G. Stormwater, as follows:

Upland Construction Turbidity Sampling Requirements

3. Sampling Frequency
 - a. Sampling shall be conducted at least once every calendar week, when there is a discharge of stormwater (or authorized non-stormwater) from the site.
 - b. When there is no discharge during a calendar week, sampling is not required.
 - c. Sampling is not required outside of normal working hours or during unsafe conditions. If an Applicant is unable to sample during a monitoring period, the Discharge Monitoring Report (DMR) shall include a brief explanation.
4. Sampling Locations
 - a. Sampling is required at all discharge points where stormwater (or authorized non-stormwater) is discharged off-site.
 - b. All sampling point(s) shall be identified on the Stormwater Pollution Prevention Plan (SWPPP) site map and be clearly marked in the field with a flag, tape, stake or other visible marker.
5. Sampling Methods
 - a. Turbidity analysis shall be performed with a calibrated turbidity meter

(turbidimeter), either on-site or at an accredited lab. The results shall be recorded in the site log book in Nephelometric Turbidity Units (NTU).

| Parameter | Units | Analytical Method | Sampling Frequency | Benchmark Value |
|------------------|--------------|--------------------------|---------------------------|------------------------|
| Turbidity | NTU | SM2130 or EPA180.1 | Weekly, if discharging | 25 NTU |

6. Turbidity Benchmark Values

The benchmark value for turbidity is 25 NTU (Nephelometric Turbidity Units).

a. Turbidity 26 – 249 NTU:

If discharge turbidity is greater than 25 NTU, but less than 250 NTU; the Applicant shall:

- i. Review the SWPPP for compliance and make appropriate revisions within 7 days of the discharge that exceeded the benchmark; and
- ii. Fully implement and maintain appropriate source control and/or treatment BMPs as soon as possible, but within 10 days of the discharge that exceeded the benchmark; and
- iii. Document BMP implementation and maintenance in the site log book.

b. Turbidity 250 NTU or greater:

If discharge turbidity is greater than or equal to 250 NTU; the Applicant shall:

- i. Notify Ecology by phone within 24 hrs of analysis in accordance with Condition A.2; and
- ii. Review the SWPPP for compliance and make appropriate revisions within 7 days of the discharge that exceeded the benchmark; and
- iii. Fully implement and maintain appropriate source control and/or treatment BMPs as soon as possible, but within 10 days of the discharge that exceeded the benchmark;
- iv. Document BMP implementation and maintenance in the site log book; and
- v. Continue to sample discharges daily until:
 - 1. turbidity is 25 NTU (or lower);
 - 2. the Applicant has demonstrated compliance with the water quality standard for turbidity:

- a. no more than 5 NTU over background turbidity, if background is less than 50 NTU, or
 - b. no more than 10% over background turbidity, if background is 50 NTU or greater; or
3. the discharge stops or is eliminated.

pH Monitoring: Sites with Significant Concrete Work or Engineered Soils

7. For sites with significant concrete work, the stormwater shall also be monitored for pH. Monitoring shall commence when the concrete is first exposed to precipitation and continue weekly until stormwater pH is 8.5 or less.
 - a. "Significant concrete work" means greater than 1000 cubic yards poured concrete or recycled concrete.
8. For sites with engineered soils, the pH monitoring period shall commence when the soil amendments are first exposed to precipitation and shall continue until the area of engineered soils is fully stabilized.
 - a. "Engineered soils" means soil amendments including, but not limited, to Portland cement treated base (CTB), cement kiln dust (CKD), or fly ash.
9. During the pH monitoring period, the Applicant shall obtain a representative sample of stormwater and conduct pH analysis at least once per week.
10. The Applicant shall monitor pH in the sediment trap/pond(s) or other locations that receive stormwater runoff from the area of significant concrete work or engineered soils prior to discharge to surface waters.
11. The benchmark value for pH is 8.5 standard units. Any time sampling indicates that pH is 8.5 or greater, the Applicant shall:
 - a. Prevent the high pH water (8.5 or above) from entering storm sewer systems or surface waters; and
 - b. If necessary, adjust or neutralize the high pH water using an appropriate treatment BMP such as CO₂ sparging or dry ice. The Applicant must obtain written approval from Ecology prior to using any form of chemical treatment other than CO₂ sparging or dry ice.
12. The pH analysis shall be performed on-site with a calibrated pH meter, pH test kit, or wide range pH indicator paper. The pH monitoring results shall be recorded in the site log book.

REPORTING AND RECORDKEEPING REQUIREMENTS

Discharge Monitoring Reports

13. The Applicant shall submit the water quality sampling results to the assigned Federal Project Coordinator monthly, per condition A.2., on Discharge Monitoring Report (DMR) forms provided by Ecology.
14. DMR forms shall be submitted to be received by Ecology within 15 days following the end of each month. If there was no discharge during a given monitoring period, submit the form as required with the words "no discharge" entered in place of the monitoring results.

Records Retention

15. The Applicant shall retain records of all monitoring information (site log book, sampling results, inspection reports/checklists, etc.), SWPPP, and any other documentation of compliance with order requirements during the life of the construction project and for a minimum of three years following the completion of construction. Such information shall include all calibration and maintenance records. This period of retention shall be extended during the course of any unresolved litigation regarding the discharge of pollutants by the Applicant or when requested by Ecology.

Recording of Results

16. For each measurement or sample taken, the Applicant shall record the following information:
 - a. Date, place, method, and time of sampling or measurement;
 - b. The individual who performed the sampling or measurement;
 - c. The dates the analyses were performed;
 - d. The individual who performed the analyses;
 - e. The analytical techniques or methods used; and
 - f. The results of all analyses.

Additional Monitoring by the Applicant

17. If the Applicant monitors any pollutant more frequently than required by this order using test procedures specified by Condition G.3-G.5 of this Order, the results of this monitoring shall be included in the calculation and reporting of the data submitted in the Applicant's DMR.

No other conditions or requirements of the above-mentioned order are affected by this amendment.

Ecology retains continuing jurisdiction to make modifications hereto through supplemental order, if it appears necessary to further protect the public interest.

Failure to comply with this Order may result in the issuance of civil penalties or other actions, whether administrative or judicial, to enforce the terms of this Order.

You have a right to appeal this Order. To appeal this you must:

- File your appeal with the Pollution Control Hearings Board within 30 days of the “date of receipt” of this document. Filing means actual receipt by the Board during regular office hours.
- Serve your appeal on the Department of Ecology within 30 days of the “date of receipt” of this document. Service may be accomplished by any of the procedures identified in WAC 371-08-305(10). “Date of receipt” is defined at RCW 43.21B.001 (2).

Be sure to do the following:

- Include a copy of this document that you are appealing with your Notice of Appeal.
- Serve and file your appeal in paper form; electronic copies are not accepted.

1. To file your appeal with the Pollution Control Hearings Board

Mail appeal to:

The Pollution Control Hearings Board
PO Box 40903
Olympia WA 98504-0903

OR

Deliver your appeal in person to:

The Pollution Control Hearings Board
4224 – 6th Ave SE Rowe Six, Bldg 2
Lacey WA 98503

2. To serve your appeal on the Department of Ecology

Mail appeal to:

The Department of Ecology
Appeals & Application for Relief
Coordinator
PO Box 47608
Olympia WA 98504-7608

OR

Deliver your appeal in person to:

The Department of Ecology
Appeals & Application for Relief
Coordinator
300 Desmond Dr SE
Lacey WA 98503

3. And send a copy of your appeal to:

Kerry Carroll
Department of Ecology
P.O. Box 47600
Olympia, WA 98504-7600

*For additional information visit the Environmental Hearings Office Website:
<http://www.eho.wa.gov>*

*To find laws and agency rules visit the Washington State Legislature Website:
<http://www.leg.wa.gov/CodeReviser>*

Your appeal alone will not stay the effectiveness of this Order. Stay requests must be submitted in accordance with RCW 43.21B.320. These procedures are consistent with Ch. 43.21B RCW.

DATED this 15th day of June 2009, at Lacey, WA.


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