STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY
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March 24, 2011

Mr. Dave Ziegler
Washington State Department of Transportation
SR-520 Project
600 Stewart St. Suite 520
Seattle, WA 98101

RE: SR-520 Pontoon Construction Project - Water Quality Certification, Order # 8368 - First Amendment

Dear Mr. Ziegler:

Enclosed you will find the First Amendment for Order # 8368, for the SR-520 Pontoon Construction Project.

If you have any questions, please contact Therese Swanson at (360) 407-6789. The enclosed amended Order may be appealed by following the procedures described in the amended Order.

Sincerely,

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

By Certified Mail 7005 1820 0000 7659 3342

Enclosure

Cc: Scott White, Confluence Consultants
Dave Davies, WSDOT

E-cc: Jack Kennedy, USACE
William Rehe, WDFW
Cameron Kukes, WSDOT
ecyrefedpermits@ecy.wa.gov
Loree' Randall, Ecology, HQ

STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY

IN THE MATTER OF GRANTING A WATER QUALITY CERTIFICATION TO The Washington State Department of Transportation	)))))))	ORDER # 8368, First Amendment SR-520 Pontoon Construction Project in Grays Harbor and Mitigation Site at Grass Creek both located in Grays Harbor County, Washington.

The following amendments are issued under the provisions of Chapter 90.48 RCW and Chapter 173-201A WAC.

Administrative Order #8368 is hereby amended as follows:

1. **The Project Description currently reads (page 2, second paragraph, last line):**

"Four anchors will be needed for each raft, which can hold nine pontoons."

It is replaced as follows:

"Four anchors will be needed for each raft, which can hold four pontoons."

2. **The following Condition will be added to Condition A.3.:**

"d. At least seven (7) days prior to the Grass Creek Mitigation Site's pre-construction meeting."

3. **Condition F.19. currently reads as follows:**

"F.19. All pilings shall be installed using a vibratory hammer when possible. If an impact hammer is necessary to proof or drive the pile, a block of wood at least six (6) inches thick shall be placed between the pile driver and the pile to minimize in-water noise."

It is replaced as follows:

"F.19. All pilings shall be installed using a vibratory hammer when possible. If an impact hammer is necessary to proof or drive the pile, **for those piles 10"or less,** a block of wood at least six (6) inches thick shall be placed between the pile driver and the pile to minimize in-water noise."

4. **Condition F.21. currently reads as follows:**

"F.21. Approximately 750 linear feet of temporary steel sheet pile shall be installed "in the dry" using a vibratory hammer. If an impact hammer is necessary to proof or drive the pile, a block of wood at least six (6) inches thick shall be placed between the pile driver and the pile to minimize in-water noise."

Is replaced as follows:

"F.21. Approximately 750 linear feet of temporary steel sheet pile shall be installed "in the dry" using a vibratory hammer.

5. **The following Conditions will be added to Condition G:**

"G.28. The Applicant shall submit a WQMPP for the Grass Creek mitigation site 30 days prior to work commencing at the site. No work may occur below the OHWM at the Grass Creek mitigation site until Ecology approves the WQMPP."

"G.29. Prior to the discharge of stormwater and to state waters, the Applicant must apply all known, available, and reasonable methods of prevention, control, and treatment (AKART). This includes the preparation and implementation of an adequate Stormwater Pollution Prevention Plan (SWPPP), with all appropriate BMPs installed and maintained in accordance with the SWPPP and the conditions in this Order."

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

The Department of 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 civil penalties or other actions, whether administrative or judicial, to enforce the terms of this Order.

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.

Chapter 173-200 WAC – Water Quality Standards for Ground Waters of the State of Washington
www.ecy.wa.gov/biblio/wac173200.html

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

SIGNATURE

DATED this 24th day of March, 2011 at the Department of Ecology, Lacey, Washington

for Kerry Carroll

Brenden McFarland, Section Manager
Shorelands and Environmental Assistance Program
Headquarters Office, State of Washington

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 **Pollution Control Hearings Board** 1111 Israel Road SW STE 301 Tumwater, WA 98501	**Department of Ecology** Attn: Appeals Processing Desk PO Box 47608 Olympia, WA 98504-7608 **Pollution Control Hearings Board** PO Box 40903 Olympia, WA 98504-0903

CONTACT INFORMATION

Please direct all questions about this Order to:

Therese Swanson, Department of Ecology
P.O. Box 47600-7600
Olympia, WA 98504
(360) 407-6789; tswa461@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 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