



STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY

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June 14, 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 –
Second Amendment

Dear Mr. Ziegler:

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

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,

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

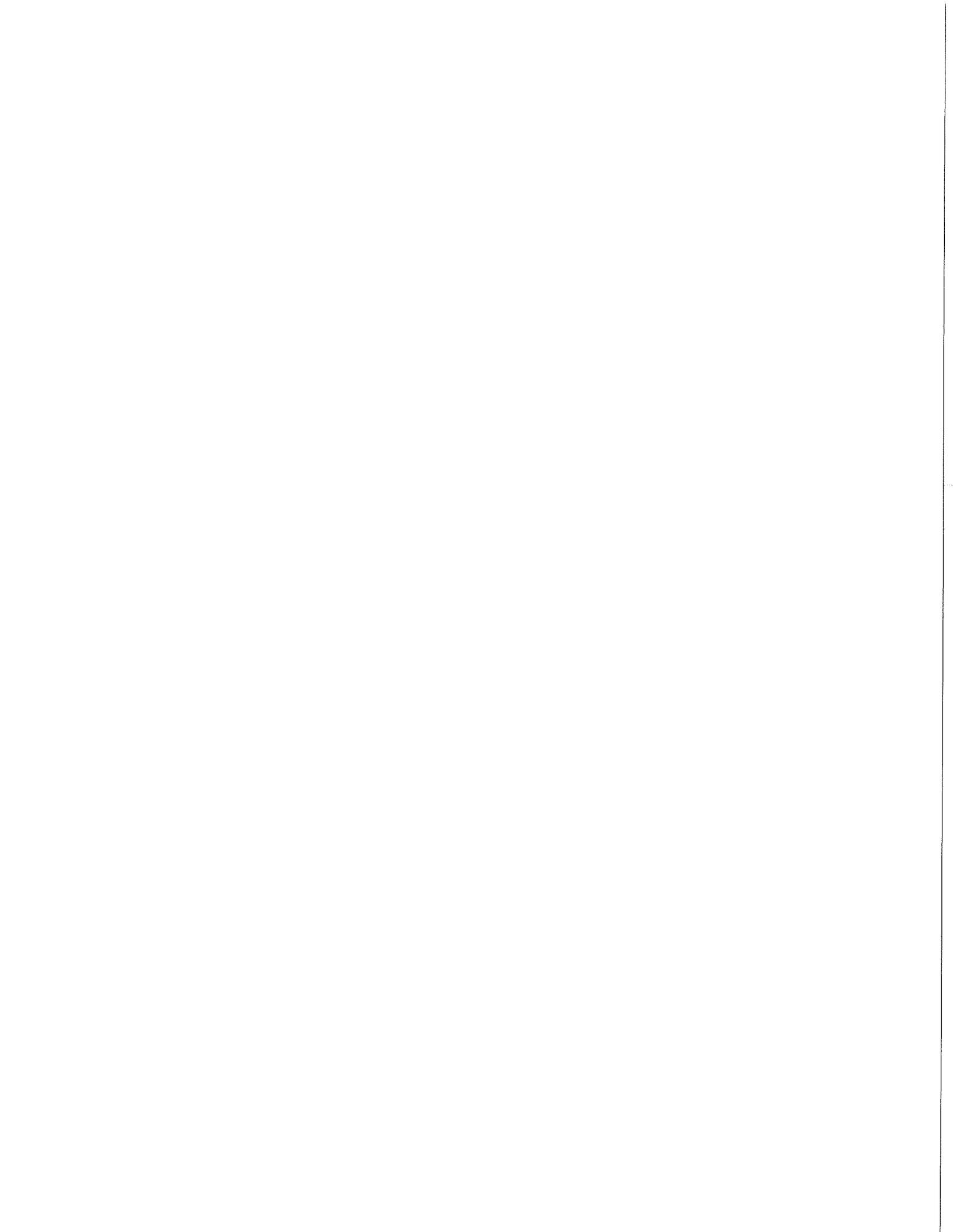
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Enclosure

Cc: Scott White, Confluence Consultants
Dave Davies, WSDOT

E-cc: Rebecca McAndrew, 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) ORDER # 8368
 WATER QUALITY)
 CERTIFICATION TO) SR-520 Pontoon Construction Project in Grays
 The Washington State Department of) Harbor and Mitigation Site at Grass Creek both
 Transportation) located in Grays Harbor County, Washington.
)
) **SECOND AMENDMENT**

Ecology issues the following amendments under Chapter 90.48 RCW and Chapter 173-201A WAC.

Administrative Order #8368 is hereby amended as follows:

1. Table 1 in Condition C.1. currently reads as follows:

Table 1

Action	Point of Compliance
Dredging (Including Soil Berm Removal)	500 feet down current
Channel Armoring	500 feet down current
Pile Removal	300 feet down current
Pile Driving	300 feet down current
West Ditch Outfall Construction	100 feet down current
Grass Creek Mitigation Site	300 feet down current

It is replaced as follows:

Table 1

Action	Point of Compliance
Dredging (Including Soil Berm Removal)	300 feet down current
Channel Armoring	300 feet down current
Pile Removal	150 feet down current
Pile Driving	150 feet down current
West Ditch Outfall Construction	100 feet down current
Grass Creek Mitigation Site	300 feet down current

2. **Condition C.3.(d), which addresses a 150-foot monitoring point for the Grass Creek mitigation work shall be deleted.**

3. **Condition C.4. currently reads as follows:**

“If WQMPP changes are proposed throughout the duration of this Order, the Applicant shall submit them to Ecology for review and approval. Following Ecology’s approval, the Applicant shall comply with the approved, updated Plan.”

It is replaced as follows:

“If changes are proposed **to the Casting Basin** WQMPP throughout the duration of this Order, the Applicant shall submit them to Ecology for review and approval. Following Ecology’s approval, the Applicant shall comply with the approved, updated Plan.

4. **Footnote 1 in Condition C.6. , first clause, currently reads:**

“Turbidity levels above 5 NTUs over background when the background is 50 NTUs or less; or a 10 percent increase in turbidity when the background turbidity is more than 50 NTUs are considered exceedances of the water quality standards.”

It is replaced as follows:

“Turbidity levels above 5 NTUs over background when the background is 50 NTUs or less; or a 10 percent increase in turbidity when the background turbidity is more than 50 NTUs are considered exceedances of the water quality standards for the **Grass Creek Mitigation Site; and turbidity levels above 10 NTUs over background when the background is more than 50 NTUs or less; or a 20 percent increase in turbidity when the background turbidity is more than 50 NTUs are considered exceedances of the water quality standards for the actions at Casting Basin Site.**”

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.

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 Road 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:

Kerry Carroll, Department of Ecology
P.O. Box 47600-7600
Olympia, WA 98504
(360) 407-7503; kstr461@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

Chapter 173-200 WAC – Water Quality Standards for Ground Waters of the State of Washington

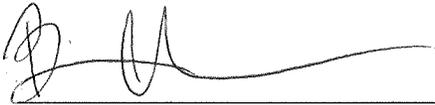
www.ecy.wa.gov/biblio/wac173200.html

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 14th day of June, 2011 at the Department of Ecology, Lacey, Washington



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