



STATE OF WASHINGTON  
DEPARTMENT OF ECOLOGY

15 W Yakima Ave, Ste 200 • Yakima, WA 98902-3452 • (509) 575-2490

November 7, 2011

Lake Chelan Yacht Club  
Commodore Ken Blodgett  
P.O. Box 1223  
Wenatchee, WA 98807

RE: Water Quality Certification Order 8860 for Corps Public Notice NWS-2010-1192

Dear Mr. Blodgett:

On February 7 2011, Lake Chelan Yacht Club, through authorized agent Ryan Walker, Grette Associates, submitted a revised Joint Aquatic Resource Permit Application (JARPA) to the Department of Ecology (Ecology) requesting a Section 401 Water Quality Certification. The proposed project entails the replacement of the three main docks; removal and replacement of all existing creosote piles; expansion of moorage by adding 17 slips; improving the capability of the marina to moor longer vessels; installation of jet ski docks; structural repairs to the existing overwater Club House; remodel and expansion of the kitchen on the landward side of the Club Building; shoreline stabilization and the removal of man-made debris from the lake. The project is located at 12245 South Lakeshore Road, within Lake Chelan, Chelan County, Washington, Section 21, Township 28N, Range 21 East of the Willamette Meridian, Water Resource Inventory Area (WRIA) Chelan #47.

A public notice for a proposed water quality certification from Ecology was distributed by the U.S. Army Corps of Engineers for the above-referenced project pursuant to the provisions Chapter 173-225 WAC on February 23, 2011.

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.



Lake Chelan Yacht Club  
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If you have any questions, please contact Gary Graff at (509) 454-4260. The enclosed Order may be appealed by following the procedures described in the Order.

Sincerely,



Jeff Lewis  
Central Regional Office  
Shorelands and Environmental Assistance Program

Enclosure

By certified mail: 7009 2250 0004 4951 2642

cc: Karen Urelius – U.S. Army Corps of Engineers  
ecc: Jeff Wilson – Chelan County Community Development  
Connie Iten – WDFW  
Steve Vaughn – Chelan County PUD  
Loree' Randall – Ecology HQ  
John Merz – Ecology Central Regional Water Quality Unit Supervisor  
Gary Graff – Ecology Central Regional Federal Permit Coordinator  
Ryan Walker - Grette Associates  
ecyrefedpermits@ecy.wa.gov

**IN THE MATTER OF GRANTING A  
WATER QUALITY  
CERTIFICATION TO**  
Lake Chelan Yacht Club; Commodore  
Ken Blodgett, in accordance with 33  
U.S.C. 1341 (FWPCA § 401), RCW  
90.48.120, RCW 90.48.260 and Chapter  
173-201A WAC

) **ORDER # 8860**  
) **Corps Reference No. NWS-2010-1192**  
) Replacement of the three main docks; remove  
) and replace of all existing creosote piles;  
) expansion of moorage by adding 17 slips;  
) improving the capability of the marina to moor  
) longer vessels; installation of jet ski docks;  
) structural repairs to the existing overwater Club  
) House; remodel and expansion of the kitchen on  
the landward side of the Club Building; shoreline  
stabilization and the removal of man-made  
debris from the lake.

TO: Lake Chelan Yacht Club  
Commodore Ken Blodgett  
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On February 7<sup>th</sup> 2011, Lake Chelan Yacht Club, through authorized agent Ryan Walker, Grette Associates, submitted a revised Joint Aquatic Resource Permit Application (JARPA) to the Department of Ecology (Ecology) requesting a Section 401 Water Quality Certification. A public notice for a proposed water quality certification from Ecology was distributed by the U.S. Army Corps of Engineers for the above-referenced project on February 23<sup>rd</sup>, 2011.

The first phase of the project would be structural improvements to the Club House. The removal of 40 existing concrete, steel, and both pressure treated and creosote treated wood pilings from the lakebed. The placement of eight 5 ft x 5 ft x 1 ft footings, eight 4 ft x 4 ft x 1 ft footings, five 3.5 ft x 3.5 ft x 1 ft footings and six 3 ft x 3 ft x 1 ft footings comprising approximately 16.5 yards of concrete. Sixteen 24 inch diameter and eleven 16 inch diameter round concrete pilings (27 total pilings) would be poured in sono tubes on top of the new footings. Approximately 50 yards of 2.5-minus, clean, washed river rock would be placed to cover the new concrete footings under the Club House to restore the excavated area to preconstruction grade.

A 10 ft wide by 58 ft long access would be constructed from dimensional lumber and supported by four, 16 inch concrete pilings concrete footings (included in the description above). New steel beams and joists would be installed atop the pilings.

The second phase of the project would be to remodel and expansion of the marina slips. The existing A, B and C docks would be removed from the property and recycled. Three of the concrete end sections of the docks would be retained for use in the existing breakwater. The newly replaced fuel and launch docks would be retained and the North Dock would be retained and reoriented parallel to the property line, and the fuel dock would be moved slightly south.

All 43 existing pilings are creosote treated and would be removed including: (7) piles anchoring fuel dock, (18) piles anchoring the North Dock, (5) piles anchoring A Dock, (6) piles anchoring B Dock and (7) piles anchoring C Dock. Piling would be wrapped with a choker cable or chain attached at the top to a crane. The crane would pull directly upward removing the pile from the sediment. The crane operator would be trained to remove the pile slowly to minimize turbidity in the water column as well as sediment disturbance. Any piles that cannot be pulled out or that break off would be cut off 1 ft below the mud line with a pneumatic underwater chainsaw.

The proposed new marina docks would be located and oriented in roughly the same way as the existing docks. The floating breakwater currently is moved twice a year in and out (landward and waterward) to adjust for fluctuating water levels. Under the proposed marina configuration this practice would end and the breakwater would remain in the waterward-most location all year. No new anchoring of the breakwater would be required.

The North Dock would remain however it would be rotated slightly to the south to resolve a property line encroachment. Nine new 12 inch steel piling would be driven to secure the North Dock and 16 new 12 inch steel piling would be driven to secure the wave attenuator that would be reinstalled from the existing dock. Three of the existing concrete portions of Docks A, B and C would be relocated to be part of the breakwater. Two 10 ft x 25 ft sections would be added to the north side of the breakwater to connect it to the North Dock and one 10 ft x 25 ft section would be added to the south side of the breakwater to improve its function on that side. No pilings are required to secure the breakwater; it is entirely held in place by steel cables. Docks A, B and C would be constructed from 8 inch steel truss components with a grated aluminum surface to allow light transmittance. The main walks of the three docks would be comprised of 6 ft x 10 ft sections. The fingers forming the slips would be comprised of 3 ft x 10 ft and 4 ft x 10 ft sections. Floatation would be provided by black, fully encapsulated flotation tubs. The existing fixed pier and gangway providing access to A Dock would be permanently removed and replaced with an access attached to the north side of the Club House described above.

Twenty five feet of deteriorating bulkhead would be repaired with a new concrete bulkhead. The existing bulkhead would be removed with an excavator and a new concrete bulkhead would be constructed in its place. Approximately 12 yards of material would be excavated and used as backfill.

Total existing overwater coverage is 14,451 sq ft and would increase to 17,652 sq ft. Currently grated coverage is 1,416 sq ft and would increase to 11,000 sq ft.

The project is located at 12245 South Lakeshore Road, within Lake Chelan, Chelan County, Washington, Section 21, Township 28N, Range 21 East of the Willamette Meridian, Water Resource Inventory Area (WRIA) Chelan #47.

## **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. Sections 1311, 1312, 1313, 1316, and 1317 (FWPCA Sections 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 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 Lake Chelan Yacht Club; Commodore Ken Blodgett, and their agents, assignees and contractors.
2. For purposes of this Order, all submittals required by its conditions shall be sent to Ecology's Central Regional Office, Attn: Federal Permit Coordinator, SEA Program, 15 West Yakima Avenue, Suite 200, Yakima, Washington 98902. Any submittals shall reference Order No. 8860, and Corps No. NWS-2010-1192.
3. Work authorized by this Order is limited to the work described in the JARPA received by Ecology February 7<sup>th</sup>, 2011. 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 if the revised project requires a new water quality certification and public notice or if a modification to this Order is required
5. This Order shall be rescinded if the U.S. Army Corps of Engineers does not issue a Section 404 permit.
6. This Order does not exempt, and is provisional upon compliance with other statutes and codes administered by federal, state, and local agencies.
7. 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.
8. 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.
9. 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.
10. 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 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.
11. 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.
12. 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. No Further Impairment of Existing Water Quality:**

1. This Order does not authorize temporary exceedances of water quality standards beyond the limits established in WAC 173-201A-200 (1)(e)(i). Furthermore, nothing in this certification shall absolve the Applicants from liability for contamination and any subsequent cleanup of surface waters or sediments occurring as a result of project construction or operations.

2. Lake Chelan has been identified on the current 303(d) list as exceeding state water quality standards for PCB 1254, PCB 1260, 4,4' DDE. This proposed project shall not result in further exceedances of these standards.

**C. Timing:**

1. This Order is valid until all November 7, 2016.
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. The Applicant shall provide written notification (FAX, e-mail or mail) to Ecology's Central Regional Office Federal Permit Coordinator annually, in writing at least three (3) days prior to the start of dredge and fill at the project site.
2. The Applicant shall provide written notification to Ecology's Central Regional Office Federal Permit Coordinator in annually, writing within fourteen (14) days after completion of dredge and fill.

**NOTE:** These notifications shall include the Applicant's name, project name, Order No. 8860, Corps Reference No. NWS-2010-1192, project location, contact and contact's phone number.

**E. Water Quality Monitoring and Reporting Conditions:**

1. During and immediately after project construction, the Applicant or their contractor shall visually monitor for turbidity discharges at the point of compliance established in WAC 173-201A-200(1)(e)(i). If water quality exceedances are observed outside of the point of compliance, work shall cease immediately and the Applicant or the contractor shall assess the cause of the water quality problem and take appropriate measures to correct the problem and/or prevent further water quality turbidity exceedances. The Applicant or their contractor shall notify Ecology's Central Regional Office Federal Permit Coordinator at (509) 454-4260 of the exceedances.
2. If the results of the monitoring show that the water quality standards or project performance standards are not being met additional monitoring and mitigation may be required.
3. Any changes to the monitoring requirements must be approved in writing by Ecology.

**F. Construction:**

1. Work in or near waters of the state shall be done so as to minimize turbidity, erosion, and other water quality impacts. Construction stormwater, sediment, and erosion control, and best management practices suitable to prevent exceedances of state water quality standards (e.g., hay bales, detention areas, silt fences, etc.), shall be in place before starting clearing, filling, and grading work at the impact sites.

2. Prior to clearing and grading in wetlands, the adjacent wetlands shall be protected from construction impacts. Construction fencing or flagging (using brightly colored tape at no less than twenty-five foot (25') intervals) of the existing wetlands and stream channels to be protected shall be completed prior to clearing. All project staff shall be trained to recognize construction fencing or flagging that identifies wetland boundaries. Equipment shall not be moved into or operated in wetlands or stream channels that are not authorized to be filled.
3. During clearing and filling at the various project sites, the Applicant shall take all necessary measures to minimize the alteration or disturbance of existing wetland and upland vegetation.
4. No existing shoreline or lake material (i.e., logs, rocks, gravel, cobbles, woody debris or other lakebed material,) shall be used as bulkhead armor, or for any other purposes, except that work described in the JARPA received by Ecology on February 7<sup>th</sup>, 2011.
5. Additional dredge spoils will be deposited upland, according to the plans provided to Ecology prior to the start of construction activity. Dredge spoils are not be allowed to enter OHWM or the wetted perimeter of Lake Chelan.
6. All equipment must be clean and free of oils, hydraulic fluid, and other contaminants prior to entering all areas below the OHWM of Lake Chelan.
7. Wash water containing oils, grease, or other hazardous materials resulting from wash down of equipment or working areas shall be contained for proper disposal, and shall not be discharged into state waters or storm drains.
8. Clean Fill Criteria: The Applicant shall ensure that fill placed for the proposed project does not contain toxic materials in toxic amounts.

**G. Emergency/Contingency Measures:**

1. In the event the Applicant is unable to comply with any of the permit terms and conditions due to any cause, the Applicant shall:
  - (i) Immediately take action to stop, contain, and clean up unauthorized discharges or otherwise stop the violation and correct the problem.
  - (ii) Notify Ecology of the failure to comply. Spill events shall be reported immediately to Ecology's 24-Hour Spill Response Team at (509) 575-2490, and within 24 hours to Ecology's Federal Permit Coordinator at (509) 454-4260.
  - (iii) Submit a detailed written report to Ecology within five days that describes the nature of the violation, corrective action taken and/or planned, steps to be taken to prevent a recurrence, results of any samples taken, and any other pertinent information.
2. 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.

- 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. No refueling of equipment shall occur over, or within 100 feet of creeks, rivers, lakes, or wetlands.

### H. 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
<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:

Gary Graff  
Department of Ecology  
Central Regional Office  
15 West Yakima Avenue, Suite 200  
Yakima, WA 98902  
509-454-4260

[gary.graff@ecy.wa.gov](mailto:gary.graff@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 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](http://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](http://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](http://www.ecy.wa.gov/biblio/wac173201A.html)

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DATED this day of 7 November, 2011 at Yakima, Washington.



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Jeff Lewis, Section Manager  
Shorelands & Environmental Assistance Program  
Central Regional Office – Ecology  
State of Washington

**ATTACHMENT A**

**Lake Chelan Yacht Club, Commodore Ken Blodgett  
Water Quality Certification Order #8860**

**Statement of Understanding of  
Water Quality Certification Conditions**

I have read and understand the conditions of Order #8860 Section 401 Water Quality Certification for the Lake Chelan Yacht Club Project. I have also read and understand all permits, plans, documents, and approvals associated with the Lake Chelan Yacht Club Project referenced in this order.

\_\_\_\_\_  
Printed Name

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date

\_\_\_\_\_  
Title

\_\_\_\_\_  
Company