



STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY

PO Box 47775 • Olympia, Washington 98504-7775 • (360) 407-6300

July 24, 2012

City of Port Angeles
ATTN: Mr. Nathan West
PO Box 1150
Port Angeles, WA 98362

RE: Water Quality Certification Order No. **9328** for Corps Public Notice No. **NWS-2012-0036** for the City of Port Angeles Waterfront Transportation Improvement Plan (WTIP) Phase II, Port Angeles Harbor and Valley Creek Estuary, Port Angeles, Clallam County, Washington

Dear Mr. West:

On March 7, 2012, The City of Port Angeles 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 Waterfront Transportation Improvement Plan (WTIP) Phase II. The U.S. Army Corps of Engineers issued a joint public notice for the proposed project on March 12, 2012.

The WTIP proposes to improve transportation flow and shoreline access along the City of Port Angeles waterfront between the Valley Creek Estuary and Hollywood Beach, Port Angeles Harbor (Strait of Juan de Fuca), Clallam County, Washington 98362; WRIA 18, Elwha-Dungeness Watershed.

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 Lori Ochoa at (360) 407-6926. The enclosed Order may be appealed by following the procedures described in the Order.

Sincerely,

Perry J Lund, Unit Manager
Shorelands and Environmental Assistance Program
Southwest Regional Office
Enclosure

By Certified Mail 7011 1150 0000 7881 8756

cc: Pam Sanguinetti, U.S. Army Corps of Engineers, Seattle District
Studio Cascade, Inc.
Chris Wallbillig, WDFW
Brady Scott, WA DNR
Dr. Bradford Shea, Westech Consulting



e-cc: ecyrefedpermits@ecy.wa.gov
Lori Ochoa – Ecy, SWRO-SEA
Loree' Randall – Ecy, HQ-SEA
Laura Inouye, Ecy, HQ-SEA
Rick Mraz – Ecy, SWRO-SEA
Deborah Cornett – Ecy, SWRO-WQ

IN THE MATTER OF GRANTING A) ORDER #9328
WATER QUALITY) Corps Reference No. NWS-2012-0036
CERTIFICATION TO) Waterfront Transportation Improvement Plan
 The City of Port Angeles) Phase II, Port Angeles Harbor and Valley Creek
 in accordance with 33 U.S.C. 1341) Estuary, Port Angeles, Clallam County,
 (FWPCA § 401), RCW 90.48.120, RCW) Washington
 90.48.260, and Chapter 173-201A WAC)

TO: City of Port Angeles
 ATTN: Mr. Nathan West
 PO Box 1150
 Port Angeles, WA 98362

On March 7, 2012, the City of Port Angeles submitted a Joint Aquatic Resource Permit Application (JARPA) to the Department of Ecology (Ecology) requesting a Section 401 Water Quality Certification for the Waterfront Transportation Improvement Plan, Phase II (WTIP). A public notice regarding the request was distributed by the U.S. Army Corps of Engineers (Corps) for the above-referenced project pursuant to the provisions Chapter 173-225 WAC on March 12, 2012.

The purpose of the project is to increase public access to the shoreline, improve the flow of transportation, and revitalize the City of Port Angeles waterfront area. The project will facilitate traffic circulation, enhance the historical downtown area, improve the Waterfront (Olympic Discovery) Trail, provide increased and safer access to the shoreline, restore shoreline habitats and native vegetation, preserve view corridors and provide recreational opportunities.

The WTIP includes the following construction elements:

1. West End Park West – Activities include creating 1.15 acres of new beach by removing 23,000 cubic yards (cy) of fill and 13,000 square (sq) feet of rip rap revetment and installing two rock drift sills. The 8,026 square feet of drift sills will reuse approximately 26, 50 cubic yards of the rip rap. About 130 CY of material will be excavated from the toe of each drift sill. Approximately 0.12 acres of forage fish spawning habitat will be created by adding 7,270 square feet of sand, 29,955 square feet of gravel, and 15,102 square feet of coarse gravel to the shoreline. Native plants will be planted over about 0.25 acres of the shoreline.
2. Hollywood Beach Expansion and Peabody Creek Access – The Hollywood Beach expansion involves removing approximately 1,000 CY of fill and 115 CY of rip rap at the southern end of the wall near Feiro Marine Life Center and curving the wall to the west to gain approximately 750 sq feet of beach. The project will also carve back the western Crescent of Hollywood Beach (landward) and add sand to expand the beach and create 0.01 acres of forage fish spawning habitat.

Access to Peabody Creek tide flats involves replacing 910 sq feet of rip rap with 1,195 sq feet of stacked slab paver stairs. Each block would be 3-foot by 1.5 foot. Gravel and

boulders will be placed at the toe of the pavers to help prevent erosion and dissipate wave energy.

3. Esplanade - The esplanade will consist of a concrete pedestrian walkway with metal grating that extends over the existing riprap in some places. Construction of the esplanade will require the placement of five (5) 18-inch steel piles to support the esplanade overlooks and another 48 – 52 piles to support the esplanade pedestrian walkway.

Mitigation for over-water impacts includes the removal of all treated wood piles and debris from the construction area.

The project is located along the City of Port Angeles waterfront between the Valley Creek Estuary and Hollywood Beach, Port Angeles Harbor (Strait of Juan de Fuca), Clallam County, Washington 98362; WRIA 18, Elwha-Dungeness Watershed.

AUTHORITIES:

In exercising authority under 33 U.S.C. § 1341, 16 U.S.C. § 1456, 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, 302, 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 the City of Port Angeles and its agents, assignees, and contractors.
2. For purposes of this Order, all submittals required by its conditions shall be sent to Ecology's Southwest Regional Office, Attn: Federal Permit Manager, SEA Program, PO Box 47775, Olympia, WA 98504-7775 or by e-mail to loch461@ecy.wa.gov. Any submittals shall reference Order No. **9328** and Corps No. **NWS -2012-0036**.
3. Work authorized by this Order is limited to the work described in the JARPA received by Ecology on March 7, 2012 and as revised in the JARPA submittal received on May 15, 2012, and the *Biological and Essential Fish Habitat Assessment* dated December 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 whether 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 (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.
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. Water Quality Conditions:

1. Port Angeles Harbor is classified as "Excellent" and the criteria of that class apply except as specifically modified or otherwise authorized 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).

2. Water Quality Sampling and Monitoring: A Water Quality Monitoring and Protection Plan (WQMPP) shall be developed and submitted to the Federal Project Manager (per Conditions A.2.) for review and approval at least 20 days prior to beginning in-water and over-water activities within the ordinary high water mark (OHWM) of Port Angeles Harbor. Work is not authorized to begin until Ecology approves the WQMPP.

The WQMPP shall include two different monitoring procedures: for the Hollywood Beach Expansion and Peabody Creek Access activities, physical monitoring shall be conducted; and for all other in-water activities, visual monitoring (photo-documented) shall be conducted. The WQMPP shall include the following minimum requirements:

- a. Parameters to be sampled: Turbidity shall be sampled/documented for this project.
- b. Location of Samples: Locations of the water quality sampling sites shall be identified in the WQMPP and on a map of the project area.
 - i. The point of compliance as specified in WAC 173-201A-210(1)(e)(i), allows a 150-foot temporary area of mixing for turbidity resulting from disturbance of in-place sediments. At a minimum, turbidity sampling and/or visual documentation shall include an early detection point at either 75 or 100 feet from the project activity and a second point at the 150 foot point of compliance.
 - ii. Background samples shall be collected outside of the area of influence of the in-water work. Background samples shall be collected at the same frequency as the point of compliance samples.

- c. Sampling Frequency: Intensive water quality monitoring shall occur for the first week. If no confirmed exceedances are detected, then routine monitoring may commence. During intensive or routine monitoring, any measured, confirmed exceedances at the point of compliance will trigger a new week-long intensive monitoring.
 - i. Intensive Monitoring: Water quality samples for turbidity shall be monitored during daylight hours with samples collected every four hours during the in-water work activities.
 - ii. Routine Monitoring: Turbidity samples shall be collected twice per week, with samples taken during incoming and outgoing daylight tides, or when a visual turbidity plume is observed.
- d. Equipment: Physical sampling for turbidity for the Hollywood Beach Expansion and Peabody Creek Access activities shall be accomplished using a turbidimeter properly calibrated according to the operator's manual. All other in-water activities shall use visual (photo documentation) for turbidity.
- e. Best Management Practices (BMPs): A description of all of the BMPs and procedures that will be used during project construction to protect water quality.
- f. Contingency Measures: The Applicant shall develop a list of contingency measures to be included in the WQMPP that will be implemented if elevated turbidity is identified at the early detection point.
- g. Detection of exceedances: Water quality standards for turbidity in "Excellent Quality" waters are as follows:
 - i. Turbidity shall not exceed 5 NTU over background turbidity when the background turbidity is 50 NTU or less, or more than a ten (10) percent increase in turbidity when the background turbidity is more than 50 NTU, at the point of compliance when a turbidimeter is used.
 - ii. If turbidity exceedances are indicated at the early detection point identified above, contingency measures and additional BMPs shall be implemented to prevent exceedances at the point of compliance.
 - iii. If exceedances of this standard at the point of compliance specified in WAC 173-201A-210(1)(c)(i) is detected through the water quality sampling and monitoring, an immediate follow up confirmation sample shall be taken. If the confirmation sample exceeds the water quality standards, the Applicant or their contractor shall take immediate action to stop, contain, and correct the problem and/or prevent further water quality exceedances. 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 prevent a recurrence of the exceedance. If an exceedance occurs, the Applicant or their contractor shall follow the protocols and notification procedures below.

- 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 #9064, Attn: Federal Permit Manager, by telephone at (360) 407-6926 or by e-mail at loch461@ecy.wa.gov. The Applicant shall, at a minimum, provide Ecology with the following information:
 - i. A description of the nature, extent, and cause of the exceedance.
 - ii. The period of non-compliance, including exact dates, duration, and times and/or the anticipated time when the project 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, water quality monitoring results and location, photographs, and any other pertinent information.
4. Reporting: Results of the water quality monitoring shall be documented in a report and submitted to Ecology weekly during project construction (in accordance with Condition A.2. above.) (See Attachment B for an example.) The reports must include:
 5. Date and time of sample;
 6. Sample location;
 7. Sample results;
 8. Name of person collecting sample;
 9. Weather conditions;
 6. Ecology must approve, in writing, any changes to the final WQPMP;
 7. Mitigation and/or additional monitoring may be required if water quality standards are not met.

C. Timing:

1. This Order will expire five (5) years from the date of issuance of the Corps permit.
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 a copy of the final Corps Permit to Ecology's Southwest Regional Office Federal Permit Manager, in accordance with condition A.2 above, within two (2) weeks of receipt of the permit.

2. Written notification (FAX, e-mail, or mail) shall be made to Ecology's Southwest Regional Office Federal Permit Manager in accordance with condition A.2 above for the following activities:
 - a. At least ten (10) days prior to the onset of in-water work in each construction season.
 - b. Within ten (10) days after the completion of construction for each construction season.
 - c. Immediately following a violation of the state water quality standards or any condition of this Order.
3. If project construction is not completed within thirteen (13) months of issuance of this Order, the Applicant shall submit a written construction status report. Status reports shall be submitted every twelve (12) months thereafter until project construction is complete.

NOTE: These notifications shall include the Applicant's name, project name, Order No. **9328**, Corps Reference No. **NWS-2012-0036**, project location, contact name, and contact's phone number.

E. Construction Conditions:

General

1. The Applicant shall obtain and comply with the conditions of the current Construction Stormwater General Permit (National Pollutant Discharge Elimination System – NPDES) issued for this project.
2. The project shall be clearly marked/staked prior to construction. Clearing limits, travel corridors, and stockpile sites shall be clearly marked. Sensitive areas and their buffers that are to be protected from disturbance shall be marked so as to be clearly visible to equipment operators. All project staff shall be trained to recognize construction fencing or flagging that identifies sensitive area boundaries. Equipment shall enter and operate within the marked clearing limits corridors and stockpile areas.
3. All work in and near the water shall be done so as to minimize turbidity, erosion, and other water quality impacts. Construction stormwater, sediment, and erosion control Best Management Practices (BMPs) suitable to prevent exceedances of state water quality standards shall be in place before starting clearing, filling, and grading work and shall be maintained throughout construction.
4. Whenever possible, work will be conducted in the dry during low tides to minimize the amount of in-water work required.
5. Appropriate BMPs shall be implemented to minimize track-out during construction.
6. Clean Fill Criteria: Applicant shall ensure that fill (sand and soil) placed for the proposed project does not contain toxic materials in toxic amounts.
7. Turbid dewatering water, associated with in-water work, shall not be discharged directly into waters of the state, including wetlands. Turbid de-watering water shall be routed to an upland area for on-site or off-site settling.

8. Clean de-watering water associated with in-water work that has been tested and confirmed to meet water quality standards may be discharged directly to water of the state including wetlands. The discharge outfall method shall be designed and operated so as not to cause erosion or scour of the river channel, banks, or vegetation.
9. Excavated material shall not be stockpiled on a temporary or permanent basis below the ordinary high water mark of Port Angeles Harbor.
10. Project activities shall be conducted to minimize the siltation of the beach area and bed.
11. All construction debris shall be properly disposed of on uplands so that it cannot enter waters of the state.
12. If barges are to be used during construction, the Applicant shall operate the barge(s) and tug in deep water so as to minimize the near- shore propeller wash impacts such as suspension of near-shore sediments.
13. The barge(s) shall not be anchored over vegetated shallows and shall not be allowed to ground out.
14. Debris booms shall be placed around the work areas to contain any material that may enter the water.
15. The Applicant shall have a boat available and on site during in-water activities to immediately retrieve any debris entering the water.
16. Application of wood, metal, or concrete preservatives, paints, sealers, glues, epoxies, chemicals, or other substances to structures once they have been placed within or over the OHWM shall be avoided. If it is unavoidable, then full containment shall be provided so that the substances do not enter waters of the state.

Equipment Staging & Maintenance

17. Staging areas will be located a minimum of 50 feet, and where practical, 150 feet from waters of the state, including wetlands. If a staging area must be located within 50 feet of waters of the state, then the Applicant shall provide a written explanation and obtain approval from Ecology's Federal Permit Manager before placing the staging area within the setback area.
18. All construction equipment shall be clean and inspected daily before use to ensure that the equipment is free from external petroleum products and has no fluid leaks. Accumulation of soils or debris shall be removed from the drive mechanism (wheels, tires, tracks, etc.) and the undercarriage of equipment prior to its use around waters of the state, including wetlands, and during the installation and removal of the diversion system.
19. The Applicant shall establish a separate contained area for washing down vehicles and equipment that does not have any possibility of draining to surface waters and/or wetlands. No wash water containing sediments, oils, grease, or other hazardous materials resulting from wash down of the work area, tools, and equipment, including concrete delivery trucks or other equipment used for concrete work, shall be discharged into state waters or storm drains.

20. All equipment used below the ordinary high water line shall utilize bio-degradable hydraulic fluid and shall be checked daily for drips or leaks.
21. All machinery and equipment used during project construction shall be serviced, fueled, and maintained in a confined upland area in order to prevent entry to waters of the state. Fueling areas shall be located a minimum of 50 feet from waters of the state, including wetlands, and shall be provided with adequate spill containment.

Temporary Stream Diversion:

22. The temporary cofferdam to divert the flow of Peabody Creek around the work area shall be in place prior to initiation of other work in the wetted perimeter in that area.
23. The temporary diversion shall be of sufficient size to either pass all flows and debris or maintain work area isolation for the duration of the project.
24. The diversion system shall be designed and operated so as not to cause erosion in the stream channel or on the banks of the waterbody in which the work is being conducted.
25. The temporary diversion shall be constructed of non-erosive materials and installed to divert the entire flow through the bypass or around the isolated work area.
26. Any pump used for diverting water shall be screened with a 1/8 -inch mesh to prevent fish from entering the system. The screen shall remain in place whenever water is withdrawn through the pump intake.
27. Prior to returning creek flow to the work area, all bank protection measures shall be in place.
28. Re-introduction of water into the isolated work area shall be done gradually, and at a rate not higher than the normal creek flow, in order to minimize the mobilization of sediments and fines.
29. Upon completion of the project, all material used in the temporary diversion shall be removed from the site.

Piling Removal

30. To mitigate for impacts to the aquatic environment, the project will remove existing creosote piles in the area of the proposed esplanade.
31. Piles removed from substrate shall be moved immediately from the water onto a barge or onto uplands. The piles shall not be shaken, hosed off, left hanging to drip, or any other action intended to clean or remove adhering material from the pile. All excavated piles shall be disposed of in an approved upland disposal site.
32. During the removal of creosote piles, containment booms shall be placed around the perimeter of the work area to capture wood debris, oil, and other material from being released into the water. All debris that is collected shall be disposed of in an approved disposal site.

33. If a pile breaks or is otherwise unable to be completely removed using vibratory or pulling methods, the pile will be cut off at or below the mudline or cut off and pushed into the sediment.
34. If a barge is used to remove the treated piles, the work surface on the barge deck shall include containment for piles and any liquid or sediment removed during pulling of the piles.
35. Water left in the containment on the barge deck shall not be discharged into waters of the state.

Piling Installation

36. The Applicant shall install approximately 59 piles associated with the esplanade. The piles will be 18-inch diameter steel piles and will have a concrete pile cap.
37. Pilings shall be installed using a vibratory hammer to the extent possible. If proofing the steel piling requires the use of an impact pile driver, a dampening device, such as a block of wood at least six inches thick, shall be placed between the piling and the impact pile driver to attenuate noise.

Concrete Work

38. Spill protection measures shall be in place prior to any concrete delivery over water.
39. Concrete delivery systems situated over water shall be inspected daily to prevent any discharges of concrete and/or slurry water into waters of the state.
40. All concrete shall be poured in the dry, or within confined waters not being dewatered, and shall be completely cured prior to coming into contact with waters of the state.
41. Uncured concrete and concrete by-products shall be completely sealed off and totally contained using sealed forms or other leak-proof containment systems.
42. Concrete process water shall not enter waters of the state. Any concrete process/contact water discharged from a confined area shall be routed to a contained area to be treated and disposed of appropriately with no possible entry to waters of the state.

F. Mitigation for Impacts to Aquatic Resources:

1. To mitigate for impacts to aquatic resources, the Applicant shall remove all treated wood piles and debris from the construction area.

G. Emergency/Contingency Measures:

1. The Applicant shall develop and implement a Spill Prevention and Containment (SPCP) Plan for all aspects of this project and shall have spill cleanup materials and an emergency call list available on site.
2. 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 such work, conditions, or discharges occur, the Applicant or operator shall immediately take the following actions:

- a. Cease operations that are causing the compliance problem.
- b. Assess the cause of the water quality problem and take appropriate measures to correct the problem and/or prevent further environmental damage.
- c. In the event of finding distressed or dying fish, the applicant shall collect fish specimens and water samples in the affected area within the first hour of the event. These samples shall be held in refrigeration or on ice until the applicant is instructed by Ecology on what to do with them. Ecology may require analyses of these samples before allowing the work to resume.
- d. In the event of a discharge of oil, fuel, or chemicals into state waters, or onto land with a potential for entry into state waters, containment and cleanup efforts shall begin immediately and be completed as soon as possible, taking precedence over normal work. Cleanup shall include proper disposal of any spilled material and used cleanup materials.
- e. Immediately notify Ecology's Southwest Regional Spill Response Office at (360) 407-6300 and the Washington State Department of Fish and Wildlife of the nature of the problem, any actions taken to correct the problem, and any proposed changes in operations to prevent further problems.
- f. Submit a detailed written report to Ecology's Federal Permit Manager 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.

3. 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, including wetlands.
4. If at any time during work the proponent finds buried chemical containers, such as drums, or any unusual conditions indicating disposal of chemicals, the proponent shall immediately notify Ecology's Southwest Regional Spill Response Office at (360) 407-6300.

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 all of 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:

Lori Ochoa, Federal Permit Manager
Department of Ecology
Southwest Regional Office
P.O. Box 47775
Lacey, WA 98504-7775
Loch461@ecy.wa.gov

MORE INFORMATION

- **Pollution Control Hearings Board Website**
www.eho.wa.gov/Boards_PCHB.aspx
- **Chapter 43.21B RCW - Environmental and Land Use 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 Washington Administrative Code (WAC) Sediment Management Standards**
<http://www.ecy.wa.gov/biblio/wac173204.html>
- **Chapter 173-200 WAC Water Quality Standards for Ground Waters of the State of Washington**
<http://www.ecy.wa.gov/biblio/wac173200.html>
- **Chapter 173-201A WAC Water Quality Standards for Surface Waters of the State of Washington**
<http://www.ecy.wa.gov/biblio/wac173201A.html>

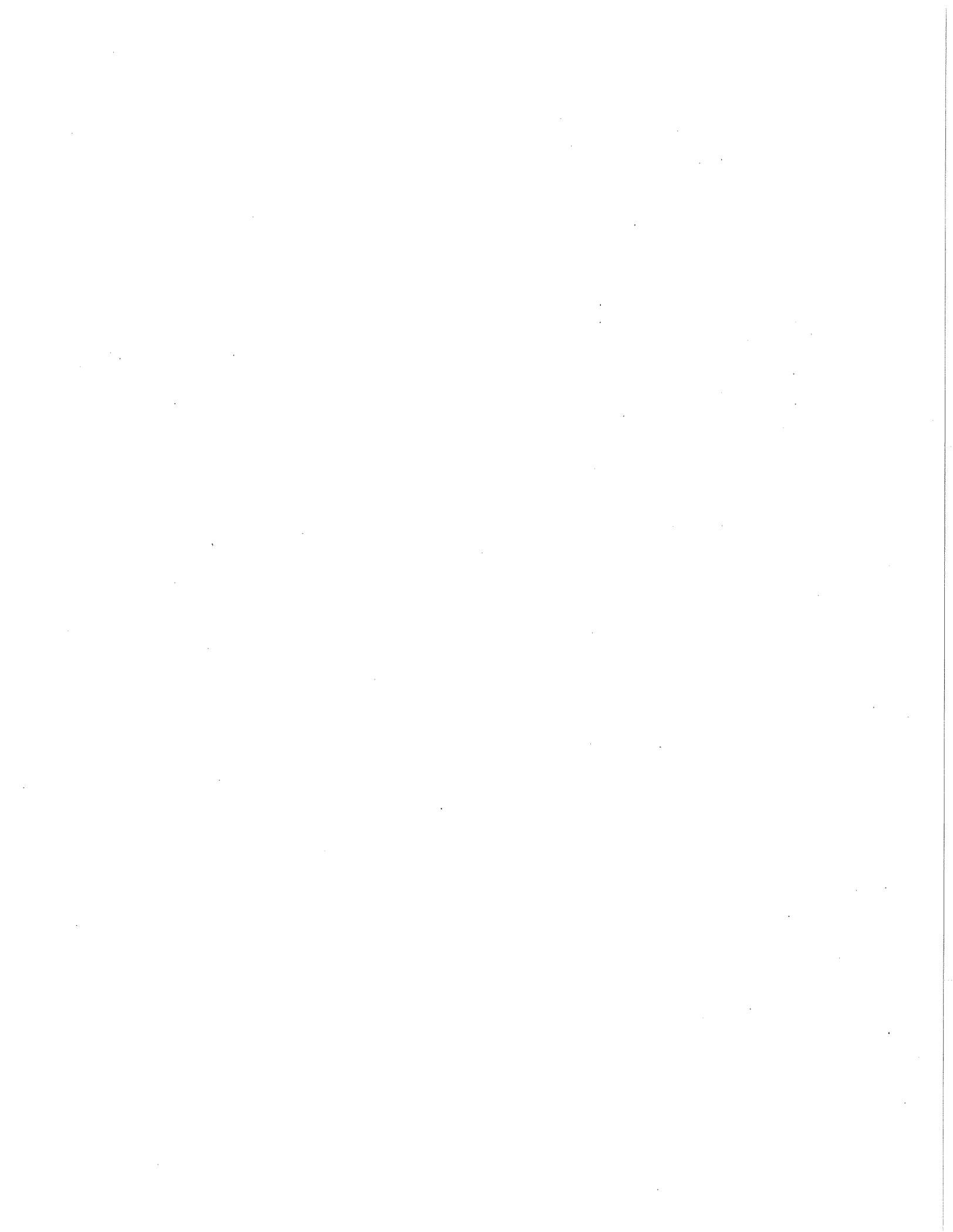
SIGNATURE



Perry J Lund, Unit Manager
Shorelands and Environmental Assistance Program
Southwest Regional Office
Department of Ecology

July 24, 2012

Date



Attachment # A

City of Port Angeles
Waterfront Transportation Improvement Plan (WTIP) Phase II
Order # **9328**
And
Corps Reference #**NWS-2012-0036**
Statement of Understanding
Water Quality Certification Conditions

I, _____, state that, I will be involved as an agent or contractor for the City of Port Angeles in the construction/implementation of the Waterfront Transportation Improvement Plan (WTIP) Phase II Project located along the City of Port Angeles waterfront from the eastside of Valley Creek Estuary to Hollywood Beach along the Port Angeles Harbor, Clallam County, Washington. I further state that I have read and understand the relevant conditions of the Washington Department of Ecology Water Quality Certification Order #**9328** and the applicable permits and approvals referenced therein that pertain to the project-related work for which I am responsible.

Signature

Date

Title

Phone

Company

