



STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY

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September 17, 2013

Ken Schlatter
Department of Transportation
Environmental Services
P.O. Box 47331
Olympia, WA 98504-7331

RE: Water Quality Certification Order #10246 for Corps Public Notice No. NWS-2012-894 for the SR 106 Beach Nourishment Pilot Study in the Mason County, Washington

Dear Mr. Schlatter:

On August 23, 2013, the Washington Department of Transportation (WSDOT), submitted a Joint Aquatic Resources 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 SR 106 Beach Nourishment Pilot Study.

WSDOT is proposing to conduct a pilot study placing slide and stream flood material deposited on WSDOT Right of Way on State Route (SR 106) onto the shoreline of Hood Canal. The study would monitor the movement of sediment, effects to existing aquatic resources and water quality to determine if placement of this material would both improve spawning areas for forage fish and re-establish the shoreline bed elevations to a level that would minimize the erosion of the banks adjacent to State Route (SR) 106. Moving material to these designated areas (5 total with 4 approved for placement) along the shoreline would also allow SR 106 to be reopened more quickly after a slide event.

The following limitations are being proposed under this study by WSDOT:

- Deposit material only at identified locations that have received preapproval from landowners
- Limit the amount of material placed to no more than 10 cubic yards of material per 50 lineal feet of beach at any given time at an authorized site.
- Conduct material placement during daylight hours only
- Place material on dry shoreline above the MHHW – no in-water placement of slide materials



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As material is moved by tidal currents within the canal, more material may be placed at a location as long as it does not exceed the total limited allowable for material stockpiles. The study will last 3 years. WSDOT will apply for an extension if additional data i.e. not enough slides occurred, within the study timeframe.

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 Penny Kelley at 360-407-7298. The enclosed Order may be appealed by following the procedures described in the Order.

Sincerely,



Brenden McFarland, Section Manager
Environmental Review and Transportation
Shorelands and Environmental Assistance Program
WA Department of Ecology Headquarters

by Certified Mail 7010 2780 0000 2503 3730

Enclosure

e-cc: Sandi Manning – Corps of Engineers
Rick Mraz – Ecology
Margie Bigelow Schirato - WDFW
Grace Miller, Mason County
Garrett Jackson - WSDOT

IN THE MATTER OF GRANTING A)	ORDER #10246
WATER QUALITY)	Corps Reference No. NWS-2012-894
CERTIFICATION TO)	Conduct a 3 year pilot study placing slide/stream
WA Department of Transportation)	flood material deposited on SR 106 at designated
in accordance with 33 U.S.C. 1341)	locations along Hood Canal shoreline and
(FWPCA § 401), RCW 90.48.120, RCW)	monitor the sediment movement. The project is
90.48.260 and Chapter 173-201A WAC)	located in Mason County, Washington

Department of Transportation
 Environmental Services Office
 Ken Schlatter
 P.O. Box 47331
 Olympia, WA 98504-7331

On August 23, 2012 Ecology received a Joint Aquatic Resources Permit Application (JARPA) from the Washington Department of Transportation (WSDOT) requesting a 401 Water Quality Certification (WQC). The U.S. Army Corps of Engineers (Corps) issued a public notice for the project on November 5, 2012.

WSDOT is proposing to conduct a pilot study placing slide and stream flood material deposited on WSDOT Right of Way on State Route (SR 106) onto the shoreline of Hood Canal. The study would monitor the movement of sediment, effects to existing aquatic resources and water quality to determine if placement of this material would both improve spawning areas for forage fish and re-establish the shoreline bed elevations to a level that would minimize the erosion of the banks adjacent to State Route (SR) 106. Moving material to these designated areas (5 total with 4 approved for placement) along the shoreline would also allow SR 106 to be reopened more quickly after a slide event.

The following limitations are being proposed under this study by WSDOT:

- Deposit material only at identified locations that have received preapproval from landowners
- Limit the amount of material placed to no more than 10 cubic yards of material per 50 lineal feet of beach at any given time at an authorized site
- Conduct material placement during daylight hours only
- Place material on dry shoreline above the MHHW – no in-water placement of slide materials

As material is moved by tidal currents within the canal, more material may be placed at a location as long as it does not exceed the total limited allowed for material stockpiles. The study will last 3 years. WSDOT will apply for an extension if additional data i.e. not enough slides occur within the study timeframe.

This study project is located on SR 106 in Mason County WA, WRIA 14 Kennedy-Goldsborough:

Site A - mile post 4.35	Section 31 T22 R3
Site B – mile post 5.36 to mile post 5.85	Section 32 T22 R3
Site C* - mile post 8.13 to MP 8.25	Section 34 T22 R3
Site D – mile post 11.85 to mile post 11.97	Section 30 T22 R2
Site E – mile post 16.05 to mile post 16.19	Section 14 T22 R2

*At this time, WSDOT does not have approval to use Site C.

AUTHORITIES

In exercising authority under 33 U.S.C. § 1341, RCW 90.48.120, and RCW 90.48.260, Ecology has reviewed 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 comply with 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 WSDOT to exceed applicable state water quality standards (Chapter 173-201A WAC), ground water quality standards (Chapter 173-200 WAC) or sediment quality standards (Chapter 173-204 WAC). Furthermore, nothing in this certification absolves WSDOT from liability for contamination and any subsequent cleanup of surface waters, ground waters or sediments resulting from project construction or operations.

A. General Conditions

1. In this Order, the term "Applicant" shall mean the Washington State Department of Transportation and its agents, assignees, and contractors.
2. All submittals required by this Order shall be sent to Ecology's Headquarters Office, Attn: Federal Project Coordinator, P.O. Box 47600, Olympia, WA 98504 or via e-mail (preferred), if possible, to the Coordinator assigned to this project. The submittals shall be identified with Order No. 10246 and include the Applicant's name, project name, project location, the project contact and the contact's phone number.
3. Work authorized by this Order is limited to the work described in the JARPA received by Ecology on August 23, 2012. The Applicant will be out of compliance with this Order and must submit an updated JARPA 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 any updated information, 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 Corps of Engineers does not issue an individual Section 404 permit.
6. The Applicant shall send (per A.2.) a copy of the final individual Section 404 permit to Ecology's Federal Project Coordinator within two weeks of receiving it.
7. The Applicant shall keep copies of this Order 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. Furthermore, 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 project engineers, contractors, and other workers at the project site with authority to direct work 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 signatory that s/he has read and understands the conditions of this Order and the above-referenced permits, plans, documents and approvals. These statements shall be provided to Ecology before construction begins.

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

B. Notification Requirements

1. Notification shall be made via phone or e-mail (e-mail is preferred) to Ecology's Federal Project Coordinator. Notifications shall be identified with Order No. 10246 and include the Applicants name, project name, project location, project contact and the contact's phone number.
 - a. Immediately following a violation of state water quality standards, spill to waters of the state or when the project is out of compliance with any of this Orders conditions.
 - i. In addition to the phone or e-mail notification, the Applicant shall submit a detailed written report to Ecology 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.
 - b. At least ten (10) days prior to all to the maintenance staff training for the first season.
 - c. At least five (5) days prior to conducting the first initial material placement along Hood Canal.

C. Timing

1. This Order will expire five (5) years from the date of issuance of the Corps permit.

D. Water Quality Monitoring & Criteria

1. Hood Canal is categorized as extraordinary and the criteria of the categorization apply as described in WAC 173-201A-210 (1) except as specifically modified by this Order.
2. The Applicant shall conduct water quality monitoring as described in the approved *Water Quality Monitoring Plan (WQMP) SR 106 Beach Nourishment using Landslide/Flood debris* prepared by Garrett Jackson, Hydrologist with Washington State Department of Transportation, Headquarters Environmental Services Office, and dated June 2013.

3. Ecology must approve, in writing, any changes or additions to the WQMP.
4. Monitoring results shall be submitted monthly to the Ecology Federal Project Coordinator, per condition A.2.
5. Additional monitoring may be required if the monitoring results indicate that the water quality standards have not been met.

E. Construction

General Conditions

1. The Applicant shall conduct work and slide material placement monitoring as described in the *SR 106 Beach Nourishment Operations Plan* prepared by Garrett Jackson, Hydrologist with Washington State Department of Transportation, Headquarters Environmental Services Office, and dated June 2013.
2. The Applicant shall clearly mark the boundaries for slide material placement at all authorized sites. Slide material shall not be placed outside of the marked boundaries.
3. Placement of slide material shall not exceed a maximum of 10 cubic yards per 50 lineal feet of shoreline at any given time.
4. Slide material shall be placed in a manner that minimizes any potential discharges to waters of the state during placement.
5. Only natural slide material consisting of, but not limited to, gravel, rock, or sand shall be placed on the shoreline of Hood Canal. Any man made materials found in the slide debris shall be removed.
6. Slide material shall not be placed directly on any shellfish beds or in such a manner that prohibits the use of existing docks or stairs on adjacent properties.
7. Turbid de-watering water associated with slide materials shall not be discharged directly to waters of the state, including wetlands. If slide material needs to be dewatered prior to placement at an authorized site, turbid de-watering shall be conducted in a location where water can be routed to an upland area for on-site or off-site settling.
8. Clean de-watering water associated with slide material that has been tested and confirmed to meet water quality standards may be discharged directly to waters of the state including wetlands. The discharge outfall method shall be designed and operated so as not to cause erosion or scour in the stream channel, banks, or vegetation.
9. Equipment shall operate from existing roadways for offloading slide material unless otherwise authorized by this Order or allowed in the HPA. If any equipment is used below the ordinary high water mark, it shall use bio-degradable hydraulic fluid.

10. Equipment used for this project shall be free of external petroleum-based products while used around the waters of the state, including wetlands. Accumulation of soils or debris shall be removed from the drive mechanisms (wheels, tires, tracks, etc.) and the undercarriage of equipment prior to its use around waters of the state, including wetlands.
11. Equipment used for hauling material shall not be washed down at any of the material placement sites.
12. No petroleum products, chemicals, or other toxic or deleterious materials shall be allowed to enter waters of the state.

F. Emergency/Contingency Measures

1. The Applicant shall develop and implement a spill prevention and containment plan for this project and shall have spill cleanup material available on site at all times during construction.
2. Work that is out of compliance with the provisions of this Order, conditions causing distressed or dying fish, discharges 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 shall comply with WSDOT's most current Environmental Compliance Assurance Procedure for Construction Project and Activities, notify the Ecology Project Coordinator per condition B.1.a. and immediately take the following actions:
 - a. Cease operations at the location of the non-compliance.
 - 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 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.
 - d. Immediately notify Ecology's Regional Spill Response Office at 360-407- 6300 and within 24 hours of spills or events to Ecology's Federal Project Coordinator at 360-407-7298.
 - e. Immediately notify the National Response Center at 1-800-424-8802, for actual spills to water only.
3. Notify Ecology's Regional Spill Response Office immediately if chemical containers (e.g. drums) are discovered on-site or any conditions present indicating disposal or burial of chemicals on-site that may impact surface water or ground water.

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:

Penny Kelley
Department of Ecology
P.O. Box 47600
Olympia, WA 98503-7600
360-407-7298
pkel461@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

Dated this 17th day of September 2013 at the Department of Ecology, Lacey Washington



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

9-17-13

Date

Water Quality Certification Order #10246
Statement of Understanding

I, _____, state that, I will be involved as a WSDOT employee or an agent or contractor for Washington State Department of Transportation in the SR 106 Beach Nourishment Pilot Study project in Mason County, WA. I further state that I have read and understand the relevant conditions of Washington Department of Ecology **Water Quality Certification Order Order #10246** and the applicable permits and approvals referenced therein which pertain to the project-related work for which I am responsible.

Signature

Date

Company

Phone number

Address

City, State, and Zip Code

