STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY
15 W Yakima Ave, Ste 200 • Yakima, WA 98902-3452 • (509) 575-2490

March 10, 2014

Debbie Knaub
Public Utility District No. 2 of Grant County
PO Box 878
Ephrata, WA 98823

RE: Order # 10585 - Water Quality Certification for Kittitas County Boat Launch Recreational Improvement Project at Vantage, WA

Dear Ms. Knaub:

The request for certification for proposed work in and adjacent to the Columbia River has been reviewed. On behalf of the State of Washington, we certify that the proposed work, as conditioned by the enclosed Order, will comply with applicable provisions of Sections 301, 302, 303, 306 and 307 of the Clean Water Act, as amended, and other appropriate requirements of State law.

This certification is subject to the conditions contained in the enclosed Order. If you have any questions, please contact Catherine Reed at (509) 575-2616. The enclosed Order may be appealed by following the procedures described in the Order.

Sincerely,

Gary Graff, PWS
Regional Section Manager
Shorelands and Environmental Assistance Program

Enclosure

By certified mail: 7009 2250 0004 4951 1843

cc: Corps of Engineers – Karen Urelius
WDFW – Eric Bartrand
ec: Kittitas County – Kirk Holmes
Ecology SEA HQ – Jessica Hausman

IN THE MATTER OF GRANTING A WATER QUALITY CERTIFICATION TO Public Utility District No. 2 of Grant County in accordance with 33 U.S.C. 1341 (FWPCA § 401), RCW 90.48.120, RCW 90.48.260 and Chapter 173-201A WAC	)))))))	**ORDER #10585** **Corps Reference No. NWS-2012-944** Boat Launch and float replacement, navigation channel dredging to access the new boat ramp, south jetty size reduction, streambed enhancement with placement of gravel and shoreline plantings, and other recreational site improvements in Vantage, Kittitas County, Washington

TO: Public Utility District No.2 of Grant County
Attention: Ms. Debbie Knaub
30 C Street Southwest, PO Box 878
Ephrata, Washington 98823

On January 18, 2013 the Public Utility District No.2 of Grant County submitted a Joint Aquatic Resources Permit Application (JARPA) Revision 2012.1 to the Department of Ecology (Ecology) requesting a Section 401 Water Quality Certification. A joint public notice regarding the request was distributed by the Army Corps of Engineers (Corps) for the above-referenced project pursuant to the provisions of Chapter 173-225 WAC on March 11, 2013.

Description of the proposed in-water work:

Boat ramp: Construct a 140-foot long boat ramp, with a new concrete approach apron, two 20-foot wide concrete launch lanes and concrete float abutments. Two existing boat ramps (86 feet long, with one ramp 12 feet wide and the other 46 feet wide) would need to be removed. The new ramp would be constructed on a 12-inch deep prepared gravel foundation. Riprap would be installed around the boat ramp at the toe and along the north and south edges. There would be a net increase of 960 square feet of riprap waterward of the ordinary high water mark (OHWM) that would replace native cobbles, sand, and silt. There would be a net increase of 1181 square feet of new concrete waterward of the OHWM that would replace angular rock and quarry spalls.

Handling Floats: The existing floats and two steel piles will be removed. Eight 20-foot long by 8-foot wide aluminum floats supported by seven new 12.75-inch diameter steel pipe piles will be installed above the proposed concrete boat ramp and a small portion of the navigation channel. All floats would be 100% grated, meeting current light penetration standards and ADA requirements.

Navigation channel: The navigation channel would be improved by dredging 12,280 cubic yards of material to widen the channel from 40 feet to 50-feet and deepening the channel from an elevation of 570 feet to an elevation to 560.5 feet. Five navigation aids will be installed to mark the navigation channel. These would consist of day boards mounted on 12.75-inch diameter steel pipe piles.

Navigation Channel Side Slope Stabilization: The 2.5:1 side slopes of the enlarged navigation channel will be stabilized with a 1.5-foot thick layer of quarry spalls to protect exposed slopes from waves and currents.

South Jetty: the rock jetty will be reduced in size by approximately 300 square feet. Portions of the remaining jetty area will augmented with suitable substrates to support riparian vegetation.

Streambed Enhancement for Shoreline Area: The shoreline area south of the south jetty will be enhanced by placing natural rounded gravel and cobble along a 25-ft. wide and 200-ft. long portion of the shoreline below OHWM at a 7:1 slope to improve habitat substrates for fish.

Streambed Enhancement to Remove Fish Stranding Areas: Dredged material would be placed in the depressions along the river bottom in a 7500-sq. ft. area adjacent to the south jetty where fish become stranded at lower water levels.

Description of upland work:

Parking Lot Reconfiguration and New Stormwater Facilities: The parking lot will be reconstructed and parking spaces closest to the concrete walk will be relocated. The parking lot surface will be repaved with asphalt over a gravel base, and stormwater islands and level spreaders will be installed to treat stormwater runoff from the parking area.

Picnic Tables and Paths: Five new picnic tables will be added. The existing path connecting the parking area to Riverstone Resort will be removed. Both paths on the jetties will be removed. A new trail connecting the boat launch area with the Riverstone Resort will be created.

Purpose:

To provide boat access at all water levels of the Wanapum Reservoir of the Columbia River at the existing Kittitas County Boat Launch.

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. §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 meet the 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 Public Utility District No. 2 of Grant County and its 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: 401Federal permit coordinator, Catherine Reed, 15 West Yakima Avenue, Suite 200, Yakima, WA 98902-3452 and/or craj461@ecy.wa.gov. .Any submittals shall reference Order #10585 and Corps Reference # **NWS-2012-944**.

3. Work authorized by this Order is limited to the work described in the Joint Aquatic Resource Permit Application (JARPA) received by Ecology on January 18, 2013. 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 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 and/or Section 10 permit for the project.

6. 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.

7. The Applicant shall provide access to the project site upon request by Ecology personnel for site inspections, monitoring, necessary data collection, and/or to ensure that conditions of this Order are being met.

8. 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 or if additional conditions are necessary to further protect water quality.

9. 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.

10. This Order does not authorize direct, indirect, permanent, or temporary impacts to waters of the state (including wetlands) or related aquatic resources, except as specifically provided for in conditions of this Order.

11. 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:

This order does not authorize temporary exceedances of water quality standards beyond the limits established in WAC 173-201A-200(1)(e)(i).

- The area of mixing allowed for this project based on the above referenced statute is 300 foot downstream of the activity causing the turbidity disturbance. Turbidity occurring outside that zone that is more than 5 nephelometric turbidity units (NTU) over background when the background is 50 NTU or less, or a 10% increase in turbidity when the background turbidity is more than 50 NTU is a violation of the turbidity water quality standard.

- Visible turbidity anywhere beyond the 300 ft point of compliance from the activity and/or the disposal location shall be considered to be an exceedance of the standard.

C. Water Quality Monitoring

1. The Applicant shall submit a water quality monitoring plan to Ecology per Condition A2 at least 14 days prior to dredging or other project activities that could cause turbidity to be present in the water. This plan shall be approved by Ecology prior to any in-water work. The plan shall include at a minimum the following information:

    a. Name and contact information of the person or firm responsible for monitoring;
    b. Map of sample locations including background (upstream from the project area) and point of compliance at or near the surface, midway, and bottom depths. For this project the point of compliance is 300 feet downstream from the activity causing the turbidity exceedance.
    c. Parameter(s) to be monitored: turbidity.
    d. Sample methods, frequency and steps to be taken if monitoring results indicate an exceedance has occurred shall be performed as stated in the submitted JARPA on page 17 under the section Water Quality Protection. If an exceedance occurs, the amount of the exceedance and the reason for the exceedance shall also be reported.

2. All turbidity observations (including visual) shall be documented by the observer in writing in the monitoring report, with name of the observer, time of the observation, method of observation and results for each observation. Visual monitoring shall occur daily at least twice in the morning and twice in the afternoon during in-water work.

3. Turbidity monitoring reports shall be sent weekly to the 401Federal permit coordinator, either by mail or via e-mail. The permit coordinator shall be contacted within 24 hours if an exceedance occurs.

D. Project Specific Conditions – Restoration

No fill, excavation, grading or temporary storage of materials shall occur in wetlands on site, as per submitted JARPA section 7.

Re-vegetation Plan: The riparian re-vegetation site shall be monitored for 5 years. A minimum of three monitoring reports must be submitted during that 5-year period. A copy of the revegetation success monitoring reports shall be sent to Ecology (see section A2 above). If after 5 years of monitoring, 80 percent survival of shrub and tree plantings is not achieved as per the current plan, then a contingency plan shall be submitted to Ecology for review and approval.

The Applicant shall not use polyacrylamide on exposed or disturbed soil at the re-vegetation mitigation site(s).

If weed-barrier fabric is used on the site, the Applicant shall use only permeable, fully biodegradable, non-toxic weed-barrier fabric for entire-site and/or individual plant weed control. Non-biodegradable plastic weed-barrier fabric shall be used only at the base of individual plants and shall be removed before it starts to break down, before it interferes with plant growth, or before the end of the monitoring period, whichever comes first.

E. Dredging and Disposal:

1. All dredging is to be done using equipment and methods described in the JARPA. **Use of any other type of dredge or other methods requires preapproval from Ecology.**

2. All dredged material will utilized as described in the JARPA and any excess dredged material shall be disposed of legally (typically outside of the floodway). If excess dredged material is disposed of within floodway or floodplain areas, the applicant shall notify Kittitas County and Ecology prior to the disposal regarding the location of the disposal site. A map of the disposal site and authorization documents for the disposal from local, state and/or federal entities as applicable shall also be sent to Ecology.

3. A copy of the "Dredging and Dredged Material Handling Plan" (as referenced on page 10 of the JARPA that will be developed by the Contractor shall be submitted to Ecology for review and approval prior to the start of dredging activities.

4. A copy of the results of the dredged material analysis (per US Army Corps protocols as described in the JARPA document on pages 22 and 24) shall be sent to Ecology.

5. Dredge material processing (screening, sorting, crushing, washing, etc.) may require a separate approval from Ecology's Air Quality section. Contact Lynette Haller at (509) 457-7126.

6. For material being taken to open water disposal sites, all debris (larger than 2 feet in any dimension) shall be removed from the dredged sediment prior to disposal. Similar sized debris found floating in the dredging or disposal area shall also be removed.

7. Dredging operations shall be conducted in a manner that minimizes the disturbance or siltation of adjacent waters and prevents the accidental discharge of petroleum products, chemicals or other toxic or deleterious substances into waters of the State.

8. Dredged material shall not be stockpiled on a temporary or permanent basis below the ordinary high water line.

9. During dredging, the Applicant shall have a boat available on site at all times to retrieve debris from the water.

10. The scow/barge shall not be overfilled to the point where dredge material overtops the sidewalls.

11. Caution shall be used when placing material from the bucket into the scow to limit splash and prevent spillage.

12. The Dredge operator shall pause the bucket at the surface, after its ascent through the water column, to minimize turbidity by allowing free water to drain from the bucket prior to swinging the bucket to the bottom dump scow.

F. Timing Requirements:

1. All in-water work shall be completed by the work window identified in the most current HPA issued for this project. Any project change that requires a new or revised HPA should also be sent to Ecology for review.

2. This Order shall remain in effect for a period of 10 years from date of issuance. Continuing this project beyond the 10 year term of this Order will require separate certifications every10 years.

G. Notification Requirements:

1. The Applicant shall provide notice to Ecology's 401/CZM Federal permit coordinator at least 7 days prior to the start of construction and within 14 days after completion of construction at the project site. Notification should be made using all the information required in Condition A2.

H. Emergency/Contingency Measures:

1. The Applicant shall develop a spill prevention and containment plan for 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 these 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 24-Hour Spill Response Team at 1-800-258-5990, **and** within 24 hours of spills or other events Ecology's 401/CZM Federal permit coordinator at (360) 407-6076.

f. 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.

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 using the above phone numbers.

YOUR RIGHT TO APPEAL

You have a right to appeal this 401 Water Quality Certification Order to the Pollution Control Hearings 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 401 Water Quality Certification 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 **Pollution Control Hearings Board** 1111 Israel RD 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

DATED March 10, 2014, at Yakima, Washington.

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

ATTACHMENT A

Public Utility District No. 2 of Grant County
Kittitas County Boat Launch Project (Vantage)
Water Quality Certification Order #10585

Statement of Understanding of
Water Quality Certification Conditions

I have read and understand the conditions of Order #10585 Section 401 Water Quality Certification for the Kittitas County Boat Launch Project. I have also read and understand all permits, plans, documents, and approvals associated with the Kittitas County Boat Launch Project referenced in this order.

_____ _____
Signature Date

_____
Title

_____
Company