



STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY

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

March 6, 2015

Port of Port Angeles
ATTN: Mr. Jesse Waknitz
PO Box 1350
Port Angeles, WA 98362

RE: Water Quality Certification Order No. **11135** for Corps Public Notice No. **NWS-2013-1129** for Programmatic Maintenance Activities and Upgrades at Five Terminals, Boat Haven Marina, and Log Rafting Facilities located in the near-shore area of Port Angeles Harbor, Strait of Juan de Fuca, Clallam County, Washington

Dear Mr. Waknitz:

On February 25, 2014, the Port 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 a programmatic authorization to conduct maintenance activities at five terminals (Terminals 1,3,4,5, and 7) and the Port Angeles Boat Haven Marina and Boat Ramp, and selected log rafting areas located in the near-shore area of Port Angeles Harbor. The maintenance actions are needed to maintain safe and secure structures that support marine activities in Port Angeles Harbor, such as loading and unloading cargo ships, berthing, log handling, and marine access and moorage for recreational and commercial boats. The U.S. Army Corps of Engineers issued a joint public notice on March 18, 2014, for the proposed project.

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 Kingsbury 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 7012 2920 0000 1182 0737



cc: Pamela Sanguinetti, Corps of Engineers
Sally Fisher, Berger ABAM
Dan Gunderson, Berger ABAM
Chris Byrnes, WDFW
Scott Johns, City of Port Angeles
Linda Storm, EPA

e-cc: ecyrefedpermits@ecy.wa.gov
Loree' Randall, Ecy/HQ/SEA
Richard Mraz, Ecy/SWRO/SEA
Laura Inouye, Ecy/HQ/SEA
Deb Cornett, Ecy/SWRO/WQ
Lori Kingsbury, Ecy/SWRO/SEA
Connie Groven, Ecy/SWRO/TCP
Peter Striplin, Ecy/SWRO/TCP

IN THE MATTER OF GRANTING A) ORDER No. 11135
WATER QUALITY) Corps Reference No. NWS-2013-1129
CERTIFICATION TO) For the programmatic maintenance and upgrades
Port of Port Angeles) at five terminals, Boat Haven Marina, and
in accordance with 33 U.S.C. 1341) selected log rafting areas within Port Angeles
(FWPCA § 401), RCW 90.48.120, RCW) Harbor, Strait of Juan de Fuca, Clallam County,
90.48.260 and Chapter 173-201A WAC) Washington

TO: Port of Port Angeles
ATTN: Jesse Waknitz, Environmental Specialist
PO Box 1350
Port Angeles, WA 98362

On February 25, 2014, the Port of Port Angeles submitted a Joint Aquatic Resource Permit Application (JARPA) to the Department of Ecology (Ecology) requesting a Section 401 Water Quality Certification. A joint 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 March 18, 2014.

The Port is proposing to conduct maintenance activities at five terminals (Terminals 1,3,4,5, and 7), the Port Angeles Boat Haven Marina, and selected log rafting areas located in the near shore area over the next ten years. The activities will repair/upgrade aging structures as-needed to support save and secure marine activities in the Port Angeles Harbor, such as loading and unloading cargo ships, berthing, log handling, and marine access and moorage for recreational and commercial boats.

The Port will conduct the following activities to compensate for impacts to the aquatic environment:

- Over-water structure removal;
- Supplemental pile removal of approximately 240 creosote-treated piles throughout the Port area;
- Intertidal debris clean-up; intertidal habitat gravel placement; and riparian invasive species management along the mouths of Tumwater and Valley Creeks.

The following is a summary of the proposed maintenance and upgrade activities:

Test Piles/Geotechnical Explorations

- Test pile installation (typically less than five piles)
- Drilled borings in-water using a barge-mounted drill (hollow stem auger or mud rotary)

Terminal 1

- Replace 60 timber fender piles with 12-inch steel piles with rubber arch fenders and steel wales;
- Replace 262 creosote-treated structural piles with 12-inch steel piles;
- Remove two existing breasting dolphins (mitigation) and replace with one 117 square foot dolphin structure;
- At headline dolphin, replace eight creosote-treated piles with 12-inch steel piles, repair piles, replace dolphin deck with pre-cast concrete decking, and install new grated access walkway supported with two 24-inch diameter concrete piles;
- At bulkhead, repair creosote-treated timber with ACZA-treated timber;
- Maintain and lengthen fire skirts using ACZA-treated timber and upgrade water, fire suppression, and electrical utilities;
- Repair portions of deck and repair piles beneath warehouse structure.

Terminal 3

- Replace 20 creosote-treated piles with 12-inch diameter steel piles;
- Install a new concrete headline dolphin with twenty 24-inch concrete piles and a grated access gangway supported with two 24-inch concrete piles.

Terminal 4

- Replace 20 creosote-treated piles with 12-inch diameter steel piles.

Terminal 5

- Replace 50 creosote-treated piles with 12-inch diameter steel piles;
- Remove approximately 90 cubic yards of debris and riprap in the vicinity of Terminal 5 (mitigation);
- A one-time placement of clean habitat gravel in an approximately 1,600 square-foot area just east of Terminal 5 (mitigation).

Terminal 7

- At rafting pockets, replace 18 untreated and creosote-treated piles with 30-inch steel piles;
- Removal of a creosote-treated timber dock structure adjacent to Terminal 7 (mitigation).

Boat Haven Marina

- At the boat ramp, replace surface gangways, and add rip-rap stabilization;
- Up to 30 cubic yards of native sand/silt substrate will be removed and replaced with approximately 36 cubic yards of clean base material to support the replacement panels. Approximately 40 cubic yard of clean rip-rap and quarry spalls will be installed to support the ramp wing walls;

- At the breakwater and finger piers, replace 80 creosote-treated timbers and piles with eighty 12-inch steel piles and ten finger pier guide piles, and reposition rip-rap back onto the breakwater;
- At log rafting pocket, replace and repair as needed up to 20 untreated and creosote-treated timber piles with twenty 30-inch steel piles.

The project site is located within and adjacent to Port Angeles Harbor on the southern shore of the Strait of Juan de Fuca, on the north side of Port Angeles. The Port's terminals and Boat Haven Marina are located along the shoreline of Port Angeles Harbor from near the base of Ediz Hook east to North Laurel Street (Terminal 2), Port Angeles, Clallam County, Washington; Northeast Quarter of Section 3, Township 30 North, Range 6 West, 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. 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 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 Port of Port Angeles and its agents, assignees and contractors.
2. All submittals required by this Order shall be sent either by regular mail to Ecology's Southwest Regional Office, Attn: Federal Permit Manager, SEA Program, PO Box 47775, Olympia, WA 98504-7775 or via e-mail (preferred) to loch461@ecy.wa.gov. All submittals shall be identified with **Order No. 11135** and **Corps No. NWS-2013-1129**.
3. All notifications required by this Order shall be made via e-mail to Lori Kingsbury at loch461@ecy.wa.gov. These notifications shall be identified with **Order No. 11135**, **Corps No. NWS-2013-1129**, and include the Applicant's name, project name, and project location
4. Work authorized by this Order is limited to the work described in the JARPA received by Ecology on February 25, 2014. The Applicant will be out of compliance with this Order and must submit an updated JARPA if the information contained in the JARPA referenced above is voided by subsequent changes to the project not authorized by this Order.
5. 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.
6. This Order shall be rescinded if the U.S. Army Corps of Engineers does not issue a Section 404 permit.
7. The Applicant shall send a copy of the final Section 404 Corps Permit to Ecology's Southwest Regional Office Federal Permit Manager (in accordance with condition A.2 above) within two (2) weeks of receiving the permit from the Corps.
8. 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.
9. 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.

10. 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.
11. 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 permit, plans, documents, and approvals. These statements shall be provided to Ecology before construction begins at the project site.
12. 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.
13. 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 the terms of this Order.

B. Water Quality Conditions:

1. This Order does not authorize temporary exceedances of water quality standards beyond the limits established in WAC 173-201A-210(1)(e)(i) and WAC 173-201A-210(1)(f).
 - a. The area of mixing established for marine waters is a 150-foot radius surrounding the in-water activity. 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.
 - b. A visible turbidity plume anywhere at or beyond the 150-foot point of compliance from the activity shall be considered to be an exceedance of the standard.
 - c. pH must be within the range of 7.0 to 8.5 with a human-caused variation within that range of less than 0.2 units.
2. Water Quality Monitoring and Reporting: The Applicant shall further revise the *Revised Water Quality Protection and Monitoring Plan, Port of Port Angeles, Programmatic Maintenance, Terminals 1,3,4,5, and 7 and Port Angeles Boat Haven Marina* (hereafter called the "WQPMP") prepared by BergerABAM and dated February 2015, to be

consistent with the conditions of this Order. A final WQPMP shall be submitted to the Federal Permit Manager for review and approval at least 20 days prior to beginning any work covered by this plan at the project site.

- a. Parameters to be Monitored: Turbidity and pH shall be sampled for this project.
- b. Activities to be Monitored:
 - i. The Applicant shall conduct instrumented turbidity monitoring for rip rap placement, boat ramp construction, all pile removal, geotechnical borings, and any other sediment-disturbing activities that occur within the Ordinary High Water (OHW) of Port Angeles Harbor.
 - ii. The Applicant shall implement the Visual Monitoring Plan for all maintenance activities not mentioned above.
 - iii. If, after the first two weeks of instrumented monitoring of each activity, no turbidity exceedances are detected, the Applicant may submit a request to Ecology to convert from instrumented monitoring to the Visual Monitoring Plan. Ecology will review the data and provide a written response to the request.
 - iv. Instrumented monitoring for pH shall occur during in-and-over-water concrete work.
- c. Monitoring Locations:
 - i. Background samples shall be collected outside of the area of influence or project work.
 - ii. At a minimum, turbidity monitoring and documentation shall occur at a radius of 75 feet and 150 feet from the project activity.
 - iii. Sampling for pH shall occur at the location of the project activity.
- d. Monitoring Frequency:
 - i. Water quality samples for turbidity shall be collected twice daily during the in-water activities.
 - ii. Water quality samples for pH shall be collected twice daily.
 - iii. Background samples shall be collected at the same frequency as the point of compliance samples.
- e. Monitoring Equipment:
 - i. Instrumented turbidity monitoring shall be conducted using a turbidimeter properly calibrated according to the operator's manual.
 - ii. pH shall be monitored using a pH meter that is properly calibrated according to the operator's manual.

- iii. Visual turbidity monitoring shall be conducted by examining the surface waters at the established monitoring locations and documenting the conditions twice daily by photograph and recording the results of each monitoring event in a Monitoring Data Sheet. (See Attachment B as an example.)
- f. Reporting: Results of the water quality monitoring shall be documented in a report and submitted to Ecology's Federal Permit Manager weekly during the period of in-water work activities, per Condition A.2. of this Order. At a minimum, the reports must include:
 - i. Date and time of sample;
 - ii. Sample location;
 - iii. Sample results (i.e.: Monitoring Data Sheet, Photographs)
 - iv. Name of person collecting sample,
 - v. Weather conditions.
3. Ecology must approve, in writing, any changes or additions to the final approved WQPMP.
4. Water Quality Exceedances: If water quality exceedances are observed outside 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 immediate action to stop, contain, correct the problem and prevent further water quality turbidity exceedances.
5. Notification of Exceedances: Notification of exceedances shall be made to Ecology **within 24 hours of occurrence**. Notification shall be made with reference to **Order No. 11135**, 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:
 - a. A description of the nature, extent, and cause of the exceedance.
 - b. The period of non-compliance, including exact dates, duration, and times and/or anticipated time when the project will return to compliance.
 - c. The steps taken, or to be taken to reduce, eliminate, and prevent a recurrence of the non-compliance.
 - d. In addition, within five (5) days after the notification of the exceedance, the Applicant shall submit a written report to Ecology (per conditions A.2.) that describes the nature of the exceedance(s), corrective action taken and/or planned, steps taken to prevent a recurrence, photographs, and any other pertinent information.
6. Mitigation and/or additional monitoring may be required as a result of the exceedance(s).

C. Timing Requirements:

1. All in-water work shall be completed by the work window identified in the most current Hydraulic Project Approval (HPA) issued by Washington Department of Fish and Wildlife (WDFW) for this project. Any project change that requires a new or revised HPA should also be sent to Ecology (per condition A.2. above) for review.
2. This Order shall remain in effect for a period of five (5) years from the date of issuance. Continuing this project beyond the five (5) year term of this Order will require the Applicant to apply for a 5-year extension prior to expiration of this Order.

D. Notification Requirements:

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

NOTE: These notifications shall include the Applicant's name, the Project name, Order No. 11135, Corps Project No. NWS-2013-1129, the project location, contact name, and contact's phone number.

E. Construction Conditions:

1. All work in and near the water shall be done so as to minimize turbidity, erosion, and other water quality impacts.
2. Construction stormwater, sediment, and erosion control Best Management Practices (BMP's) suitable to prevent exceedances of state water quality standards shall be in place before starting maintenance activities and shall be maintained throughout the activity.
3. All clearing limits, travel corridors, stockpile locations, and staging areas shall be clearly marked prior to commencing construction activities and maintained until all work is completed for this project.
4. Staging areas will be located a minimum of 50 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 (with additional BMPs) and obtain approval from Ecology Federal Permit Manager before placing the staging area within the setback area.

5. Appropriate BMPs shall be implemented to minimize track-out during construction.
6. Machinery and equipment used during construction shall be serviced, fueled, and maintained on uplands a minimum of 100 feet from waters of the state including wetlands, unless otherwise approved by Ecology, in order to prevent contamination to any surface water.
7. No petroleum products, fresh concrete, lime, chemicals, or other toxic or deleterious materials shall be allowed to enter waters of the state.
8. All equipment that will operate over or within waters of the state shall utilize bio-degradable hydraulic fluid and shall be free of external petroleum-based products. Accumulation of soils or debris shall be removed from the drive mechanisms and the undercarriage of equipment prior to use. Equipment shall be inspected daily for leaks, accumulation of grease, etc. Any identified problems shall be fixed before operating over or within waters of the state.
9. Wash water containing oils, grease, or other hazardous materials resulting from wash down of equipment or working area shall not be discharged into state waters. 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.
10. All construction debris, excess sediment, and other solid waste material shall not be stockpiled below the Ordinary High Water Mark (OHWM) and shall be properly managed and disposed of in an upland disposal site approved by the appropriate regulatory authority.
11. Clean Fill Criteria: The Applicant shall ensure that fill placed for the proposed project does not contain toxic materials in toxic amounts.
12. No existing shoreline material (i.e., logs, rocks, gravel cobbles, woody debris or other bed material) shall be relocated or used as bulkhead armor, as fill, or for any other purpose.
13. Project activities shall be conducted to minimize siltation of the beach area and bed.
14. Turbid water generated from cleaning and maintenance activities, including turbid dewatering water, shall not be discharged directly into waters of the state. Turbid water shall be pumped to an upland area to allow the turbid water to settle. The discharge from the upland areas shall meet water quality criteria at the point of discharge into surface waters and/or wetlands.
15. Dewatering water that is not turbid may be discharged directly to surface waters and/or wetland provided that: a) waste water containing raw concrete or other harmful material has not been in contact with the water to be discharged, and b) the water will meet all of the water quality standards at the point of discharge.

General In & Over Water Work

16. 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.
17. If a barge is used, it shall not be allowed to ground-out or rest on the substrate or be anchored over vegetated shallows.
18. The Applicant shall have a boat available on site at all times to retrieve any debris that enters the water.
19. The Applicant shall contain and appropriately dispose of all saw cut water and debris generated from cutting activities that occur over water so there is no possible entry to waters of the state.
20. 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 surface waters shall be avoided. If it is unavoidable, then full containment shall be provided so that the substances do not enter waters of the state.

Piling Installation and Removal

21. The Applicant shall follow EPA's Best Management Practices for Pile Removal & Disposal as outlined in the WQPMP for this project.
22. New and replacement piles will include 12-to-30-inch diameter hollow steel piles and 24-inch concrete piles.
23. Steel Piles shall be installed using a vibratory hammer to the extent possible. Concrete piles will be installed using an impact hammer from either the existing pier structure or from a barge.
24. Containment booms shall be placed around the perimeter of the work area during pile removal to contain any material that may enter the water.
25. The Applicant shall employ the use of a sound attenuating bubble curtain or other similar device during all pile proofing or installation when an impact hammer is used. The bubble curtain shall be employed in a manner to ensure that bubbles completely engulf the piles during the impact driving or proofing.
26. Piling removal shall be accomplished by vibratory extraction or by pulling them directly with a crane.
27. The extracted piles and all construction debris, excess sediment, and other solid waste material shall be properly managed and disposed of in an approved upland disposal site so that it cannot cause water quality degradation to state waters.

Concrete/Grout Work

28. Spill protection measures shall be in place prior to any concrete delivery over water.

29. 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.
30. 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.
31. Uncured wet concrete/grout shall be completely sealed off and totally contained using sealed forms or other leak-proof containment systems.
32. 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 Measures:

1. The Applicant shall mitigate impacts to aquatic resources as described in the *Final Mitigation Plan, Port of Port Angeles, Programmatic Maintenance and Upgrades, US Army Corps of Engineers Reference Number (#NWS-2013-1129)* prepared by BergerABAM and dated March 2014 – Revised March 2015.
2. The Applicant shall submit any further changes to the Mitigation plan in writing to Ecology (per Condition A.2.) for review and approval before work begins.

G. Emergency/Contingency Measures:

1. The Applicant shall develop and implement a Spill Prevention and Containment 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 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 or Operator 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 instructed by Ecology on what to do with them. Ecology may require analysis 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 to Ecology's Federal Permit Manager at (360) 407-6926 or (360) 407-6300.
 - f. Submit a detailed written report to Ecology's Federal Permit Manager within five (5) days (per Condition A.2.above) that describes the nature of the event, corrective action taken and/or planned, steps taken to prevent recurrence, results from 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 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
<p>Department of Ecology Attn: Appeals Processing Desk 300 Desmond Drive SE Lacey, WA 98503</p> <p>Pollution Control Hearings Board 1111 Israel Rd SW STE 301 Tumwater, WA 98501</p>	<p>Department of Ecology Attn: Appeals Processing Desk PO Box 47608 Olympia, WA 98504-7608</p> <p>Pollution Control Hearings Board PO Box 40903 Olympia, WA 98504-0903</p>

CONTACT INFORMATION

Please direct all questions about this Order to:

Lori Kingsbury, Federal Permit Manager
Department of Ecology
Southwest Regional Office
PO Box 47775
Olympia, 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 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 90.48 RCW – Water Pollution Control

<http://apps.leg.wa.gov/RCW/default.aspx?cite=90.48>

Chapter 173.204 WAC – Sediment Management Standards

www.ecy.wa.gov/biblio/wac173204.html

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

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

Chapter 173-201A WAC – Water Quality Standards for Surface Waters of the State of Washington

www.ecy.wa.gov/biblio/wac173201A.html

SIGNATURE



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

Date

3/6/2015



Attachment A

Port of Port Angeles
Programmatic Maintenance/Upgrades
Ecology Order No. 11135
Corps Reference No. NWS-2013-1129
Statement of Understanding
Water Quality Certification Conditions

I, _____, state that, I will be involved as an agent or contractor for the Port of Port Angeles in the activities associated with the Programmatic Maintenance/Upgrades Project within the nearshore area of Port Angeles Harbor, Port Angeles, 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 No. 11135 and the applicable permits and approvals referenced therein which pertain to the project-related work for which I am responsible.

Signature

Date

Title

Phone

Company



