



STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY

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

July 2, 2014

Chelan County PUD No. 1
Attn: Waikele Frantz
P.O. Box 1231
Wenatchee, WA 98807

RE: Water Quality Certification Order 10816 for Corps Public Notice NWS-2014-522

Dear Ms. Frantz:

On May 14, 2014 Chelan County PUD No. 1 submitted a Joint Aquatic Resources Permit Application (JARPA) to the Department of Ecology (Ecology) requesting a Section 401 Water Quality Certification.

The proposed project is to extend the existing boat launch from its current lowest elevation of 609 feet to elevation 604 feet. Chelan County PUD No. 1 proposes to excavate 530 cubic yards of river bed material, remove four existing ecology blocks, place 31.5 cubic yards of bedding rock, install a steel rail assembly, install nine 4 foot by 12 foot precast concrete planks, place 17.6 cubic yards of bedding rock around the concrete planks, place 22 ecology blocks around the perimeter of the ramp extension, and place 175 cubic yards of rock for stabilization of the excavated bank.

The project is located in the Columbia River near East Wenatchee, Douglas County, Washington, NE Quarter of Section 24, Township 22N, Range 20 East of the Willamette Meridian.

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 June 4, 2014.

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.



Chelan County PUD No. 1
Attn: Waikele Frantz
July 2, 2014
Page 2 of 2

If you have any questions, please contact Andrea Jedel at (509) 454-4260. The enclosed Order may be appealed by following the procedures described in the Order.

Sincerely,



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

Enclosure

By certified mail: 7009 2250 0004 4951 1720

ecc: Tim Erkel, U.S. Army Corps of Engineers
Curtis Lillquist, Douglas County
Connie Iten, WDFW
Shane Early, DNR
Loree' Randall, Ecology HQ
Andrea Jedel, Ecology Central Regional Federal Permit Coordinator

IN THE MATTER OF GRANTING A)	ORDER #10816
WATER QUALITY)	Corps Reference No. NWS-2014-522
CERTIFICATION TO)	Extend the public boat launch in the Columbia
Chelan County PUD No. 1)	River at the Kirby Billingsley Hydro Park near
in accordance with 33 U.S.C. 1341)	East Wenatchee in Douglas County,
(FWPCA § 401), RCW 90.48.120, RCW)	Washington.
90.48.260 and Chapter 173-201A WAC)	

TO: Chelan County PUD No. 1
c/o: Waikele Frantz
P.O. Box 1231
Wenatchee, WA 98807

On May 14, 2014 Chelan County PUD No. 1 submitted a Joint Aquatic Resources Permit Application (JARPA) 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 June 4, 2014.

The proposed project is to extend the existing boat launch from its current lowest elevation of 609 feet to elevation 604 feet. Chelan County PUD No. 1 proposes to excavate 530 cubic yards of river bed material, remove four existing ecology blocks, place 31.5 cubic yards of bedding rock, install a steel rail assembly, install nine 4 foot by 12 foot precast concrete planks, place 17.6 cubic yards of bedding rock around the concrete planks, place 22 ecology blocks around the perimeter of the ramp extension, and place 175 cubic yards of rock for stabilization of the excavated bank.

The project is located at Kirby Billingsley Hydro Park in the Columbia River near East Wenatchee, Douglas County, Washington. The project is located in the NE quarter section of Section 24, Township 22 N, Range 20 East (47.387658 N lat/ -120.266194 W long).

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. In this Order, the term "Applicant" shall mean Chelan County PUD No. 1 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: Andrea Jedel, Federal Permit Coordinator, SEA Program, 15 West Yakima Avenue, Suite 200, Yakima, Washington 98902. Any submittals shall reference Order No. 10816, and Corps No. **NWS-2014-522**.
3. All notifications listed below shall be made via phone to Andrea Jedel, phone (509) 454-4260 or e-mail at ajed461@ecy.wa.gov. These notifications shall be identified with Order 10816 and include the Applicant's name, the project contact, and the contact's phone number.
 - a. At least fourteen (14) days prior to conducting initial in-water work activities for each in-water work window.
 - b. Within at least seven (7) days after completion of the in-water work.

4. Work authorized by this Order is limited to the work described in the Joint Aquatic Resources Permit Application (JARPA) received by Ecology on May 14, 2014 and Kirby Billingsley Hydro Park Boat Launch Extension – Option C, Slide-In drawings, Sheets 1 through 11 dated May 2014, unless otherwise authorized by Ecology. 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.
5. The Applicant shall obtain Ecology review and approval before undertaking any changes to the proposed project that might significantly and adversely affect water quality, other than those project changes required by this Order.
6. Within 30 days of receipt of the updated information, Ecology will determine if the revised project requires a new public notice and Certification or if a modification to this Order is required.
7. This Order shall be rescinded if the U.S. Army Corps of Engineers does not issue an individual 404 and/or Section 10 permit for the project.
8. The Applicant shall send (per A.2.) a copy of the final Section 404 Corps permit to Ecology's Federal Project Manager within two weeks of receiving it from the Corps.
9. This Order does not exempt, and is provisional upon compliance with other statutes and codes administered by federal, state, and local agencies.
10. 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.
11. 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.
12. 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.
13. In the event of changes or amendments to the state water quality, ground water quality, or sediment standards, or changes in or amendments to the state Water Pollution Control

Act (RCW 90.48), or the federal Clean Water Act, Ecology will issue an administrative order to incorporate any such changes or amendments applicable to this project.

14. 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.
15. 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.
16. 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.
17. This Order will automatically transfer to a new owner or operator if:
 - a. A written agreement between the Applicant and new owner or operator with the specific transfer date of the Order's obligations, coverage, and liability is submitted to Ecology per condition A.2.;
 - b. A copy of this Order is provided to the new owner or operator; and
 - c. If Ecology does not notify the new Applicant that this Order must be modified to complete the transfer.

B. Water Quality Conditions:

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

C. Water Quality Monitoring

- 1.. A **Water Quality Monitoring Plan** is required and shall be submitted to Ecology to the Federal Permit Coordinator at the address shown in Condition A2 for review and approval two (2) weeks prior to the pre-construction meeting. 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 and point of compliance at or near the surface, midway, and bottom depths. For this project the point of compliance is a radius of 300 feet from the activity causing the turbidity exceedance.
 - c. Parameter(s) to be monitored: turbidity
 - d. Sample method;
 - e. Frequency, and
 - f. Steps to be taken if monitoring results indicate an exceedance has occurred. The amount of the exceedance and the reason for the exceedance shall also be reported.
2. Turbidity monitoring reports shall be sent weekly by email to the Federal permit coordinator. The permit coordinator shall be contacted within 24 hours if an exceedance occurs.

D. Dredging and Disposal:

1. All dredging is to be done using land based (excavator) equipment, from above the water level from the bank, a platform, or existing launch. Dredging work will be conducted utilizing a mechanical excavator. **Use of any other type of dredge requires preapproval from Ecology.**
2. The disposal trucks shall not be overfilled to the point where dredge material overtops the sidewalls.
3. 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 disposal point.
4. 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.
5. Dredged material shall not be stockpiled on a temporary or permanent basis below the ordinary high water line, or within the 200 foot shoreline zone, or within critical areas and critical area buffers.
6. During dredging, the Applicant shall have a boat available on site at all times to retrieve debris from the water.

E Construction Conditions

1. The Applicant shall submit a Temporary Erosion and Sediment Control (TESC) plan to Ecology to the Federal Permit Coordinator at the address shown in Condition A2 for review and approval two (2) weeks prior to the pre-construction meeting. The plan shall

- include at a minimum staging areas, stockpile locations, refueling locations and haul routes.
2. The project shall minimize extensive exposed areas and be phased to complete operations in one section of the site before clearing and grading the next.
 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, and Best Management Practices (BMP's) suitable to prevent exceedances of state water quality standards shall be in place before starting clearing, filling and grading work at the impact sites and shall be maintained throughout construction.
 4. The project shall be clearly marked and staked prior to construction. Clearing limits, travel corridors, stockpile sites, staging areas, and refueling areas shall be clearly marked. Critical areas and buffers that are to be protected from disturbance shall be marked so as to be clearly visible to equipment operators. Equipment shall enter and operate within the marked clearing limits corridors and stockpile areas.
 5. Reasonable tree protection and preservation measures consistent with Best Management Practices in the landscape and tree care industry are to be implemented by the property owner, project applicant, contractor or designee, and are minimum standards for work undertaken around trees to be preserved at the project.
 6. Routine inspections should be conducted to verify that structural controls are maintained and operating effectively throughout construction, and that soil structure and vegetation are maintained within protection areas. If controls are not adequately protecting designated areas, adjust existing or implement additional protection measures.
 7. All equipment must be clean and free of oils, hydraulic fluid, and other contaminants prior to entering all areas below the Ordinary High Water Mark (OHWM) of the Columbia River.
 8. Equipment used for in-water work during this project operating with hydraulic fluid shall use only those fluids certified as non-toxic to aquatic organisms.
 9. Wash water containing oils, grease, or other hazardous materials resulting from wash down of equipment or working areas shall be contained for proper disposal, and shall not be discharged into state waters or storm drains.
 10. Clean Fill Criteria: The Applicant shall ensure that fill placed for the proposed project does not contain toxic materials in toxic amounts.

F. Riparian Mitigation and Monitoring Conditions

1. The Applicant shall provide written notification to Ecology of any plan changes from the *Kirby Billingsley Hydro Park Boat Launch Extension Mitigation Plan* prepared by Chelan County PUD No. 1 on June 06, 2014 that are required if problems arise during construction and planting of the riparian mitigation site.
2. The Applicant shall have a professional biologist at the mitigation site to supervise during construction and planting.
3. The Applicant shall ensure that no material is stockpiled within existing riparian habitat at the mitigation site(s) at any time, unless provided for in the *Kirby Billingsley Hydro Park Boat Launch Extension Mitigation Plan*.
4. The Applicant shall ensure that no construction debris is deposited within existing riparian habitat at the mitigation site(s) at any time, unless provided for in the *Kirby Billingsley Hydro Park Boat Launch Extension Mitigation Plan*.
5. The Applicant shall not use polyacrylamide on exposed or disturbed soil at the mitigation site(s).
6. The Applicant shall not use hay or straw on exposed or disturbed soil at the mitigation site(s).
7. 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.
8. If seeding is used at the mitigation site, the seed mix must contain only native, annual, non-invasive plant species.
9. Within 30 days after completing construction and planting of the mitigation sites, the Applicant shall submit to Ecology an as-built report, including plan sheets, documenting site conditions at Year Zero.
10. The Applicant shall monitor the mitigation site for a minimum of 5 years.
11. The Applicant shall submit to Ecology monitoring reports documenting mitigation site conditions for years 1, 3 and 5. Mitigation monitoring plans shall include the Applicant's name, project name, Order No. 10816, Corps Reference No. **NWS-2014-522**, project location, contact and contact's phone number.

12. Be submitted by December 31 of each monitoring year. Include one hard copy and one electronic file.
13. If the Applicant has not met all conditions and performance standards for the mitigation site at the end of the monitoring period, Ecology may require additional monitoring, additional mitigation, or both.
14. If irrigation systems are used for watering mitigation plantings, the Applicant shall remove any and all irrigation system components at the earliest opportunity following the cessation of necessary irrigation. The applicant shall remove the irrigation system components before the growth of vegetation hampers the removal to minimize damage to the mitigation plantings. All irrigation components shall be removed prior to the end of the monitoring period.

G. 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 the Washington Department of Fish and Wildlife (WDFW) for this project. Any project change that requires a new or revised HPA should be sent to Ecology for review.
2. This Order shall remain in effect until all the conditions of this Order have been met.

H. Notification Requirements:

1. The project proponent shall hold a pre-construction meeting with the construction engineer and/or manager, the general construction contractor, landscape contractor, the certified sediment and erosion control lead, and professional biologist a minimum of 14 days before construction begins.

I. 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, the National Response Center at 1-800-424-8802 **and** within 24 hours of spills or other events Ecology's 401 Federal Permit Coordinator at (509) 454-4260.
 - 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. 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.
 4. 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. No refueling of equipment shall occur over, or within 100 feet of creeks, rivers, lakes, or wetlands.
 5. 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 both 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:

Andrea Jedel
Department of Ecology
Central Region Office
15 W Yakima Avenue, Suite 200
Yakima, WA 98902

(509) 454-4260
andrea.jedel@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>

Order #10816, Corps No.NWS 2014-522
Kirby Billingsley Boat Launch Extension
July 02, 2014
Page 11 of 11

Chapter 34.05 RCW – Administrative Procedure Act
<http://apps.leg.wa.gov/RCW/default.aspx?cite=34.05>

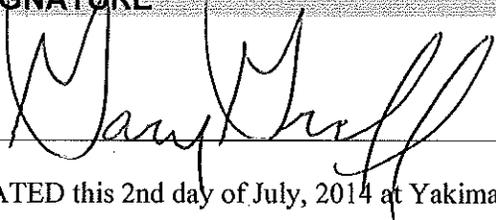
Chapter 90.48 RCW – Water Pollution Control
<http://apps.leg.wa.gov/RCW/default.aspx?cite=90.48>

Chapter 173.204 WAC – Sediment Management Standards
www.ecy.wa.gov/biblio/wac173204.html

Chapter 173-200 WAC – Water Quality Standards for Ground Waters of the State of Washington
www.ecy.wa.gov/biblio/wac173200.html

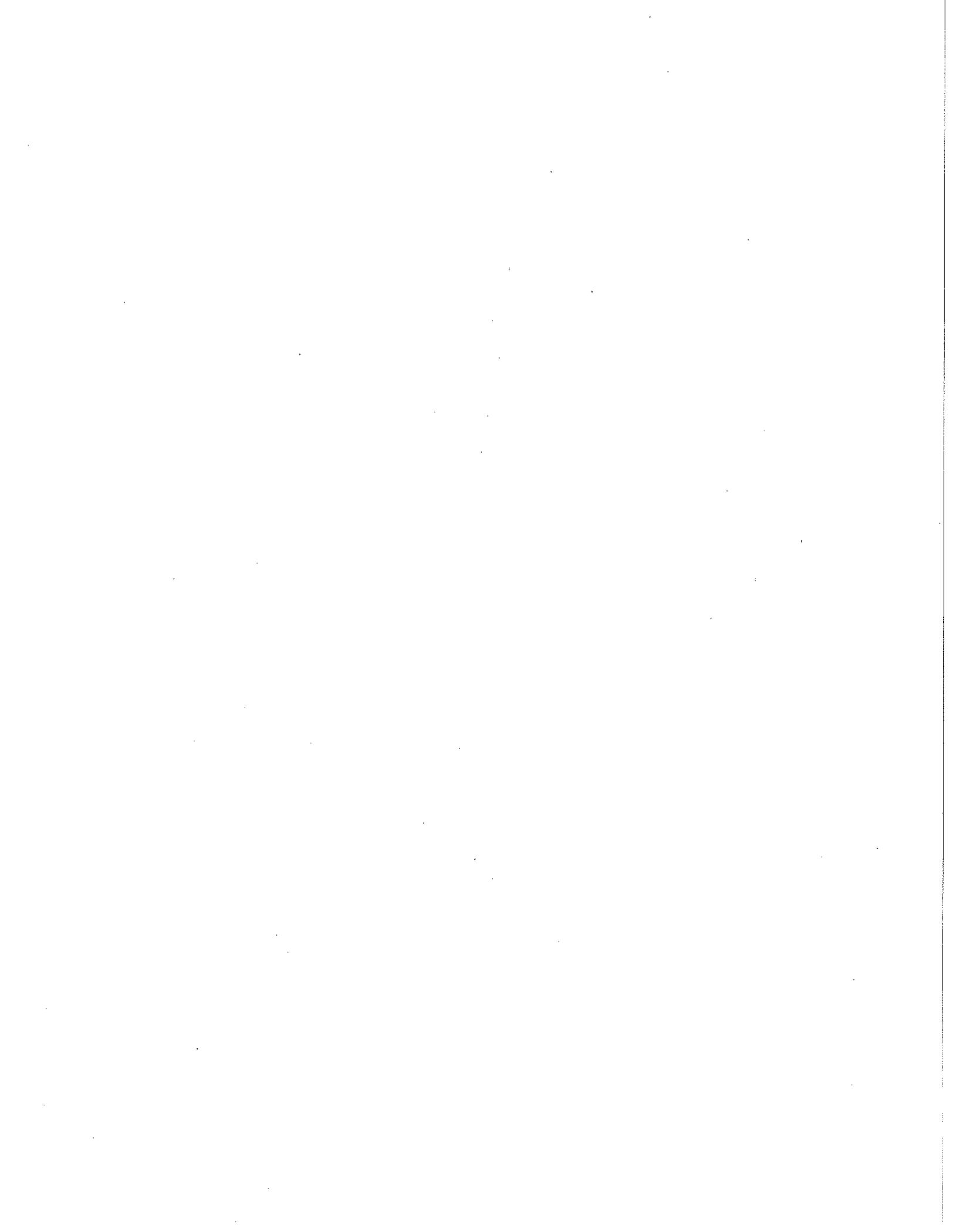
Chapter 173-201A WAC – Water Quality Standards for Surface Waters of the State of Washington
www.ecy.wa.gov/biblio/wac173201A.html

SIGNATURE



DATED this 2nd day of July, 2014 at Yakima, Washington.

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



ATTACHMENT A

**Chelan County PUD No. 1
Kirby Billingsley Boat Launch Extension
Water Quality Certification Order #10816**

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

I have read and understand the conditions of Order #10816 Section 401 Water Quality Certification for the Kirby Billingsley Boat Launch Extension. I have also read and understand all permits, plans, documents, and approvals associated with the project referenced in this order.

Signature

Date

Print Name

Company

Title