



STATE OF WASHINGTON  
DEPARTMENT OF ECOLOGY

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

June 30, 2016

General Metal of Tacoma  
dba Schnitzer Steel of Tacoma  
ATTN: Mr. Bryan Graham  
1902 Marine View Drive  
Tacoma, WA 98422

RE: Water Quality Certification Order No. **13445** for Corps Public Notice No. NWS-2015-0733 for the Schnitzer Steel Programmatic Pile Replacement and Wharf Maintenance Project, Hylebos Waterway, Commencement Bay, Puget Sound at Tacoma, Pierce County, Washington

Dear Mr. Graham:

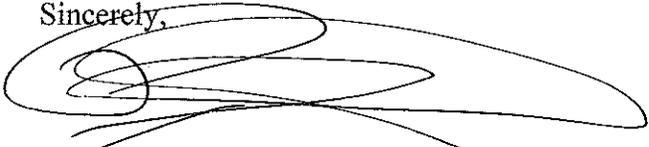
On December 2, 2015, General Metal of Tacoma dba Schnitzer Steel of Tacoma submitted an initial Joint Aquatic Resource Permit Application (JARPA) to the Department of Ecology (Ecology) for a Section 401 Water Quality Certification (401 Certification) under the federal Clean Water Act for the proposed programmatic pile replacement and wharf maintenance activities.

The Applicant proposes to repair up to 150 square feet of decking and replace up to 20 piles per year over a period of five years to maintain three wharves in the Hylebos Waterway of Commencement Bay.

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 7014 0150 0000 9188 6848



cc: Kaitlyn White, U.S. Army Corps of Engineers  
Morgan Ireland, Grette Associates, LLC  
Lisa Spadoni, City of Tacoma  
Matthew Curtis, WDFW

e-cc: [ecyrefedpermits@ecy.wa.gov](mailto:ecyrefedpermits@ecy.wa.gov)  
Loree' Randall, Ecology, HQ SEA  
Richard Mraz, Ecology, SWRO SEA  
Chris Montague-Breakwell, Ecology, SWRO WQ  
Lori Kingsbury, Ecology, SWRO SEA

**IN THE MATTER OF GRANTING A ) ORDER No. 13445**  
**WATER QUALITY ) Corps Reference No. NWS-2015-0733**  
**CERTIFICATION TO ) For the Programmatic Pile replacement and**  
**General Metal of Tacoma, Inc ) Wharf Maintenance Project, Hylebos Waterway,**  
**dba Schnitzer Steel of Tacoma ) Commencement Bay, Puget Sound, Pierce**  
in accordance with 33 U.S.C. 1341 ) County, Washington  
(FWPCA § 401), RCW 90.48.120, RCW )  
90.48.260 and Chapter 173-201A WAC )

TO: General Metal of Tacoma  
dba Schnitzer Steel of Tacoma  
ATTN: Mr. Bryan Graham  
1902 Marine View Drive  
Tacoma, WA 98422

On December 2, 2015, General Metal of Tacoma dba Schnitzer Steel of Tacoma submitted a Joint Aquatic Resource Permit Application (JARPA) to the Department of Ecology (Ecology) requesting a Section 401 Water Quality Certification for the Schnitzer Steel Programmatic Pile Replacement and Wharf Maintenance Project. 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 January 27, 2016.

The proposed project involves the repair of up to 150-square feet of decking and replacement of up to 20 piles per year for a period of five (5) years (i.e., 100 piles total) to maintain three wharves. Pile replacement will include the complete removal of damaged piles and/or creosote-treated timber piles and replacement with 24-inch diameter steel, ACZA-treated timber, and/or concrete piles depending on the location and engineering recommendations. Some piles may be cut and capped instead of being removed.

All proposed repair/replacement maintenance activities included in this proposal will be in-kind and in-place; no expansion of structure footprints is proposed. The work will either be performed from the existing wharves or from a barge-mounted crane.

The purpose of the proposed maintenance activities is to provide safe access to the three wharves and to safely moor barges and large cargo ships for loading and unloading of commercial scrap metals.

The project is located within the Hylebos Waterway of Commencement Bay, Puget Sound at 1902 Marine view Drive, Tacoma, Pierce County, Washington; Quarters 2-4, Section 36, Township 21 North, Range 3 East, WRIA 10, Puyallup-White 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 general Metal of Tacoma, Inc., dba Schnitzer Steel of Tacoma and its agents, assignees and contractors.
2. For purposes of this Order, all submittals required by its conditions shall be sent either by regular mail to Ecology's Southwest Regional Office, Attn: Federal Permit Manager, SEA Program, P.O. Box 47775, Olympia, WA 98504-7775 or via e-mail to [lori.kingsbury@ecy.wa.gov](mailto:lori.kingsbury@ecy.wa.gov). Any submittals shall reference Order No. **13445** and Corps No. **NWS-2015-0733**.
3. Work authorized by this Order is limited to the work described in the JARPA received by Ecology on **October 13, 2015**. The Applicant will be out of compliance with this Order

and must reapply with an updated application if the information contained in the JARPA is voided by subsequent changes to the project not authorized by this Order.

4. Within 30 days of receipt of an updated JARPA Ecology will determine 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 permit.
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 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.
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. 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.
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 permit, plans, documents, and approvals. These statements shall be provided to Ecology before construction begins at the project site.
10. 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.
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 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).
  - 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 10 nephelometric turbidity units (NTUs) over background when the background is 50 NTU or less, or a 20% increase in turbidity when the background turbidity is more than 50 NTU is a violation of the turbidity water quality standard.
  - b. Visible turbidity anywhere at or beyond the 150-foot point of compliance from the activity shall be considered to be an exceedance of the standard.
2. Water Quality Monitoring: The Applicant shall implement and conduct water quality monitoring as described in the *Schnitzer Steel Programmatic Wharf Maintenance and Pile Replacement Water Quality Monitoring Plan* prepared by Grette Associates, LLC for General Metals of Tacoma (dba Schnitzer Steel), dated June 16, 2016.
  - a. Ecology must approve, in writing, any changes or additions to the WQMPP prior to implementation.
  - b. Reporting: Results of the water quality monitoring shall be documented in a Monitoring Report and submitted to the Federal Permit Manager weekly during the period of in-water work per condition A.2 of this Order.
  - c. 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. If an exceedance occurs, the Applicant shall follow the procedures below:
  - d. 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. **13445**, Attn: Federal Permit Manager by telephone at (360) 407-6926 or by e-mail at [lori.kingsbury@ecy.wa.gov](mailto:lori.kingsbury@ecy.wa.gov). The Applicant shall, at a minimum, provide Ecology with the following information:
    - i. A description of the nature, extent, and cause of the exceedance.
    - ii. The period of non-compliance, including exact dates, duration, and times and/or anticipated time when the project will return to compliance.
    - iii. The steps taken, or to be taken to reduce, eliminate, and prevent a recurrence of the non-compliance.
    - iv. 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.

3. Mitigation and/or additional monitoring may be required if the monitoring results indicate that the water quality standards have not been met.

**C. Timing Requirements:**

1. All in-water work shall be completed by the work windows identified below:
  - January 1 – February 14 and July 16 – December 31 of any year (Per the HPA.)
  - August 16 – March 15 (Per the federally approved work windows.)
2. Any project change that requires a change to the work windows should also be sent to Ecology (per condition A.2. above) for review.
3. This Order shall remain in effect for a period of five (5) years from the date of issuance.

**D. Notification Requirements:**

1. The Applicant shall provide a copy of the final Corps Permit to Ecology's Southwest Regional Office Federal Permit Manager, in accordance with condition A.2 above, within two (2) weeks of receipt of the permit.
2. Written notification (FAX, e-mail, or mail) shall be made to Ecology's Southwest Regional Office Federal Permit Manager in accordance with condition A.2 above for the following activities:
  - a. At least ten (10) days prior to the onset of in-water work 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.
3. 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.

**E. Construction Conditions:**

1. All work in and near waters of the state shall be done so as to minimize turbidity, erosion, and other water quality impacts.
2. Machinery and equipment used during construction shall be serviced, fueled, and maintained on uplands in order to prevent contamination to surface waters.
3. All equipment that will operate over or within waters of the state 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.

4. The Applicant shall have a boat available on site during all in-and-over water project activities to retrieve any debris that enters the water.
5. 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.
6. Sediment under the Concrete Dock shall not be disturbed to protect the existing cap.

#### **Demolition and Piling Removal**

7. 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.
8. No hydraulic jetting devices shall be used to move sediment away from the piles.
9. Removal of the timber piles will be conducted with a vibratory extractor.
10. Piles shall be removed from the substrate slowly to minimize sediment disturbance.
11. During removal of piles, containment booms and absorbent sausage booms shall be placed around the perimeter of the work area to capture wood debris, oil, and any other material entering the water.
12. Debris contained within the boom shall be removed at the end of each work day.
13. All pilings removed from the substrate shall be removed immediately from the water into a barge or onto uplands. The pile shall not be shaken, hosed-off, or left hanging to drip or any other action intended to clean or remove adhering material from the pile.
14. The work surface of the barge deck or the upland area shall include a containment basin for the piles and any sediment removed during extraction of the piling. Basins may be constructed of durable plastic sheeting with sidewalls supported by hay bales or support structure to contain all sediment.
15. The extracted piles, excess sediment, construction debris, and any 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.

### **Pile Installation and Concrete Work**

16. Bubble curtains shall be used to attenuate noise for all impact pile driving of steel piles.
17. Spill protection measures shall be in place prior to any concrete delivery over and/or near waters of the state.
18. If cast in place, wet concrete/grout shall be prevented from entering waters of the state. All forms for any concrete/grout structure shall be completely sealed off to prevent the possibility of entering waters of the state. Impervious materials shall be placed over any exposed concrete/grout.
19. All concrete shall be completely cured prior to coming into contact with water.
20. If concrete delivery systems are situated over water, they shall be inspected daily to prevent any discharges of concrete and/or slurry water into waters of the state.
21. Concrete process water shall not enter waters of the state. Any concrete process/contact water discharged from a confined area with curing concrete shall be routed to upland areas to be treated and disposed of properly with no possible entry to waters of the state.

### **F. 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 and immediate 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 within five (5) days 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.
  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><b>Department of Ecology</b>            Attn: Appeals Processing Desk            300 Desmond Drive SE            Lacey, WA 98503</p>	<p><b>Department of Ecology</b>            Attn: Appeals Processing Desk            PO Box 47608            Olympia, WA 98504-7608</p>
<p><b>Pollution Control Hearings Board</b>            1111 Israel Rd SW            STE 301            Tumwater, WA 98501</p>	<p><b>Pollution Control Hearings Board</b>            PO Box 40903            Olympia, WA 98504-0903</p>

## CONTACT INFORMATION

Please direct all questions about this Order to:

Department of Ecology  
Southwest Regional Office  
ATTN: Lori Kingsbury  
PO Box 47775  
Olympia, WA 98504-7775  
lori.kingsbury@ecy.wa.gov

## MORE INFORMATION

### Pollution Control Hearings Board Website

[www.eho.wa.gov/Boards\\_PCHB.aspx](http://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](http://www.ecy.wa.gov/biblio/wac173204.html)

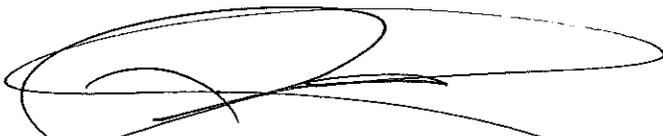
### Chapter 173-200 WAC – Water Quality Standards for Ground Waters of the State of Washington

[www.ecy.wa.gov/biblio/wac173200.html](http://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](http://www.ecy.wa.gov/biblio/wac173201A.html)

## SIGNATURE



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

Date

6/30/2016



**Attachment A**

General Metal of Tacoma, Inc. dba Schnitzer Steel of Tacoma  
Schnitzer Steel Programmatic Pile Replacement and Wharf Maintenance  
Ecology Order No. **13445**  
Corps Reference No. **NWS-2015-0733**  
Statement of Understanding  
Water Quality Certification Conditions

I, \_\_\_\_\_, state that I will be involved as an agent or contractor for General Metal of Tacoma (dba Schnitzer Steel of Tacoma) in the programmatic pile replacement and wharf maintenance activities within the Hylebos Waterway of Commencement Bay at 1902 Marine View Drive, Tacoma, Pierce 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. **13445** 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

