



STATE OF WASHINGTON  
DEPARTMENT OF ECOLOGY

PO Box 47600 • Olympia, WA 98504-7600 • 360-407-6000  
711 for Washington Relay Service • Persons with a speech disability can call 877-833-6344

May 7, 2007

REGISTERED MAIL

Jason Smith  
Washington State Department of Transportation  
PO Box 12560  
Yakima, WA 98909-2560

RE: Water Quality Certification # 4255 for Corp Public Notice No. 200700520.  
Exploratory drilling to determine the depth and composition of underlying material and substrate within the project limits near Keechelus Lake, Kittitas County, Washington.

*Jason*  
Dear ~~Mr~~ Smith:

On April 9, 2007, the Washington State Department of Transportation (WSDOT) 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 the proposed I-90 Hyak to Keechelus Lake exploratory drilling project. This project proposes to widen the roadway, including shoulders and on-ramp connections, widen a bridge over 42<sup>nd</sup> Avenue South, construct new stormwater facilities, and extend one culvert. The Department of Ecology issued the project's public notice on April 16, 2007.

On behalf of the State of Washington, Ecology certifies that the work proposed in the JARPA and the public notice complies with the applicable provisions of Sections 301, 302, 303, 306, and 307 of the Clean Water Act, as amended, and other applicable requirements of state law. This certification is subject to the conditions contained in the enclosed Order.



*I-90 Hyak to Keechelus Lake  
Corps #200700520 Order #4255  
May 7, 2007  
Page 2 of 2*

If you have any questions, please contact Lisa Rozmyn, the Federal Project Coordinator for this project, at (360) 407-7032 or [lroz461@ecy.wa.gov](mailto:lroz461@ecy.wa.gov) .

Sincerely,

A handwritten signature in black ink, appearing to read 'Brenden McFarland', with a long horizontal flourish extending to the right.

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

BM:ds  
Enclosure

cc:

**IN THE MATTER OF GRANTING A ) ORDER # 4255**  
**WATER QUALITY ) Corps Reference No. 200700411**  
**CERTIFICATION TO ) Exploratory drilling to determine the depth and**  
**Washington State Department of ) composition of the underlying material and**  
**Transportation, South Central Region ) substrate within the project limits, located near**  
in accordance with 33 U.S.C. 1341 ) Keechelus Lake, Kittitas County, Washington.  
(FWPCA § 401), RCW 90.48.120, RCW )  
90.48.260 and Chapter 173-201A WAC )  
)

TO: Washington State Department of Transportation  
Jason Smith, Environmental Manager  
PO Box 12560  
Yakima, WA 98909-2560

On April 9, 2007 the Washington State Department of Transportation submitted a Joint Aquatic Resource Permit Application (JARPA) to the Department of Ecology (Ecology) requesting a Section 401 Water Quality Certification. A public notice regarding the request was distributed by Ecology for the above-referenced project pursuant to the provisions Chapter 173-225 WAC on April 16, 2007.

The proposed project entails continuing exploratory work for the reconstruction of the I-90 corridor from Mile Post (MP) 55 to MP 61 (Hyak to Lake Keechelus). To determine the design of the new reconstruction structures, preliminary research and on site inspection will need to be accomplished. Drilling methods will be used to determine the depth and composition of the underlying material and substrate within the project limits including that which is below the surface of Lake Keechelus. Possible impacts to water bodies from drilling operations include the driving of a 4" casing approximately 10' into the substrate. This casing is to contain turbid water and any contaminants during the drilling operation, which are then recycled for reuse. The test bore and material sampling locations will be backfilled with the material removed from the hole, or from imported washed clean material approved by WSDOT Environmental Manager or agencies with jurisdiction. Quarry Site 255 will be sampled as a material source for this project. This work is a continuation of the site exploration that was started in 2006, but was discontinued due to difficult weather conditions in the winter months on Snoqualmie Pass. Exploratory work for 2007 is expected to be completed by November of 2007 when the weather will again make it difficult to continue. The project is located on Interstate 90 between MP 55 and MP 61, generally around the East bank of Keechelus Lake at Kittitas County, Washington. The project will explore several sections, Sections 1, 2 of Township 21N, Range 11E, Sections 14, 15, 23, 26, and 35 of Township 22N, Range 11E, and Section 10 of Township 21N, Range 12E, WRIA #39, Upper Yakima.

**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. §1311, 1312, 1313, 1316, and 1317 (FWPCA § 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 not violate 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 Washington State Department of Transportation, and its agents, assignees and contractors.
2. For purposes of this Order, all submittals required by its conditions shall be sent to Ecology Headquarters, Attn: Federal Project Coordinator, PO Box 47600 Olympia, WA 98504. Any submittals shall reference Order No. 4255 and Corps No. 200700520.
3. Work authorized by this Order is limited to the work described in the JARPA received by Ecology on April 9, 2007. 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 does not exempt, and is provisional upon compliance with other statutes and codes administered by federal, state, and local agencies.
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. 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.
10. Any person who fails to comply with any provision of this Order shall be liable for a penalty of up to ten thousand dollars (\$10,000.00) per violation for each day of continuing noncompliance.

#### **B. Timing Requirements**

1. This Order is valid until though May 4, 2009.

#### **C. Appeal Process:**

You have the right to appeal this Order to the Pollution Control Hearings Board. Pursuant to chapter 43.21B RCW, your appeal must be filed with the Pollution Control Hearings Board, and served on the Department of Ecology within thirty (30) days of the date of your receipt of this document.

To appeal this Order, your notice of appeal must contain a copy of the Ecology Order you are appealing.

Order #4255, Corps #200700520

May 7, 2007

Page 4 of 4

Your appeal must be filed with:

The Pollution Control Hearings Board  
4224 - 6th Avenue SE, Rowe Six, Bldg. 2  
P.O. Box 40903  
Lacey, Washington 98504-0903

Your appeal must also be served on:

The Department of Ecology  
Appeals Coordinator  
P.O. Box 47608  
Olympia, Washington 98504-7608.

In addition, please send a copy of your appeal to:

Federal Permit Appeals Coordinator  
Department of Ecology  
P.O. Box 47600  
Olympia, Washington 98504-7600

*For additional information: Environmental Hearings Office Website: <http://www.eho.wa.gov>*

Your appeal alone will not stay the effectiveness of this Order. Stay requests must be submitted in accordance with RCW 43.21B.320. These procedures are consistent with Ch. 43.21B RCW.

Dated May 7, 2007 at Lacey, Washington.



---

Brenden McFarland, Section Manager  
Environmental Review and Transportation Section  
Shorelands and Environmental Assistance Program  
Department of Ecology  
State of Washington