



STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY

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

March 11, 2005

REGISTERED MAIL
RB 253 008 196 US

Mr. Rick Hirschberg
Mason County Public Works
PO Box 1850
Shelton, WA 98584

RE: Water Quality Certification Order #2018 for Corps Public Notice 200300284
Fill wetland and replace culverts to widen and realign Grapeview Loop Road, Mason County,
Washington

Dear Mr. Hirschberg:

The public notice from the U.S. Army Corps of Engineers dated March 23, 2004 for proposed work in wetlands associated with Case Inlet in Puget Sound, Mason County, Washington has been reviewed. On behalf of the State of Washington, we certify that the work proposed in the application for a Department of Army permit and the Corps public notice complies with applicable provisions of Sections 301, 302, 303, 306 and 307 of the Clean Water Act, as amended, and other appropriate requirements of State law. This letter also serves as the State response to the Corps of Engineers.

Pursuant to Section 307(c)(3) of the Coastal Zone Management Act of 1972 as amended, Ecology concurs with the applicant's determination that this work is consistent with the approved Washington State Coastal Zone Management Program. This concurrence is based upon the applicant's compliance with all applicable enforceable policies of the Coastal Zone Management Program, including Section 401 of the Federal Water Pollution Control Act.

- This certification concurrence is subject to the conditions contained in the enclosed Order.

If you have any questions, please contact Jo Sohneronne at (360) 407-6926. The enclosed Order may be appealed by following the procedures described in the Order.

Sincerely,


Perry J Lund, Unit Supervisor
Shorelands and Environmental Assistance Program

PL:JS:dn
Enclosure

cc: Olivia Romano, US Army Corps of Engineers, Seattle District
Herrera Environmental Consultants, Inc., ATTN: Kris Lepine
Margie Schirato, Department of Fish and Wildlife – Region 6
Grace Miller, Mason County Community Development
Betsy Dickes, Ecology/SWRO Water Quality Program
Kim Van Zwalenburg, Ecology/SWRO Shorelands and Environmental Assistance Program
Penny Keys, Ecology, HQ

IN THE MATTER OF GRANTING)
A WATER QUALITY)
CERTIFICATION TO)
Mason County Public Works)
in accordance with 33 U.S.C. 1341)
FWPCA § 401, RCW 90.48.260)
RCW 90.48.120 and WAC 173-201A)

ORDER #2018
CORPS # 200300284
Fill wetland and replace culverts to
widen and realign Grapeview Loop
Road, Mason County, Washington

TO: Mason County Public Works
PO Box 1850
Shelton, WA 98584

ATTN: Rick Hirschberg:

A request for water quality certification from the State of Washington was submitted for the above-referenced project pursuant to the provisions of 33 U.S.C. 1341 (FWPCA § 401). The request for certification was made available for public review and comment through the Corps of Engineers' Public Notice No. 200300284 on March 23, 2004.

The proposed project involves placement of up to 1532 cubic yards of fill material in 0.44 of an acre of palustrine emergent, scrub-shrub and forested wetlands and the replacement of three culverts. Culvert replacement at unnamed stream #1 includes placement of 310 cubic yards of material below the mean higher high water line to realign the stream channel to accommodate the new culvert and the streambed gravel placement. Culvert replacement at unnamed streams #2 and #3 includes placement of 760 cubic yards of material below the mean higher high water line to accommodate the new culverts and the streambed gravel replacement. These wetlands and unnamed streams are associated with and discharge to Case Inlet, Puget Sound, Mason County, Washington.

To mitigate for loss of 0.44 of an acre of wetlands, the applicant proposes the following on a wetland mitigation site approximately 320 feet west of the Grapeview Loop Road project corridor:

- Creation of 1.12 acres of wetlands
- enhancement 0.44 of an acre of existing wetlands on the same site
- enhancement of 2.03 acres of upland buffer lying adjacent to the created and enhanced wetlands

For purposes of this Order, the term "Applicant" shall mean the Mason County Public Works and its agents, assigns, and contractors.

The purpose of this project is to address safety concern and current road standards.

AUTHORITIES:

In exercising authority under 33 U.S.C. 1341, RCW 90.48.260 and RCW 90.48.120, Ecology has investigated 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, 302, 303, 306, and 307);
2. Conformance with the state water quality standards as provided for in Chapter 173-201A WAC authorized by 33 U.S.C. 1313 and by Chapter 90.48 RCW, and with other appropriate requirements of state law; 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: In view of the foregoing and in accordance with 33 U.S.C. 1341, 90.48.260 RCW, 90.48.120 and Chapter 173-201A WAC, certification is granted to the Mason County Public Works Department (Applicant) subject to the following conditions:

A. Water Quality Standard Conditions:

- A1. Case Inlet is a Class A water of the state. Certification of this proposal does not authorize the Applicant to exceed applicable state water quality standards (173-201A WAC), or sediment quality standards (173-204 WAC). Water quality criteria contained in 173-201A-030(1) WAC and 173-201A-040 WAC shall apply to this project unless otherwise authorized by Ecology. This order does not authorize temporary exceedances of water quality standards beyond the limits established in 173-201A-110(3) WAC. Furthermore, nothing in this certification shall absolve the Applicant from liability for contamination and any subsequent cleanup of surface waters or sediments occurring as a result of project construction or operations.

B. Timing:

- B1. This Order is valid until all compliance requirements in this document have been met.

C. Notification Conditions:

- C1. Notification shall be made for the following activities:
 - at least 30 days prior to the pre-construction meeting
 - at least seven (7) days prior to the onset of any work on the road site
 - at least seven (7) days prior to construction of the mitigation site
 - within seven (7) days after completion of the road realignment
 - within seven (7) days of completion of construction of the mitigation site.

NOTE: These notifications shall include the applicant's name, project name, project location, the number of this Order, and contact name and phone number and shall be sent to Ecology's Southwest Regional Office Federal Permit Coordinator at 360/ 407-6926, Fax 360/ 407-6305, E-mail jsoh461@ecy.wa.gov, or mail P.O. Box 47775, Olympia, WA 98504-7775.

- C2. The Applicant shall ensure that all appropriate project engineers and contractors at the project and/or mitigation sites have read and understand relevant conditions of this Order and all permits, approvals, and documents referenced in this Order. The Applicant shall provide to Ecology a signed statement from the project engineer and each contractor that they have read and understand the conditions of this Order and the referenced permits, plans, documents and approvals. These statements shall be provided to Ecology on the form provided (Attachment A) no less than seven (7) days before construction begins at the project site or mitigation sites.

D. Construction Stormwater Monitoring and Reporting Conditions:

- D1. The applicant shall submit a Water Quality Monitoring plan and a Temporary Erosion and Sediment Control Plan (TESC) 30 days prior to beginning construction for Ecology's review. These plans shall include, but are not limited to the following information:
- a) Water Quality Monitoring Plan:
 - Name and phone number of person responsible for monitoring
 - Map of sample locations, including background
 - Parameters to be monitored, including turbidity, pH, and temperature
 - Sample method
 - Sample frequency
 - b) TESC Plan
 - Name and phone number of person responsible for implementing plan
 - Best management practices (BMPs) that will be implemented and their location
 - Frequency of BMP inspections
 - Contingency plan in the event of adverse weather conditions or other foreseeable undesirable conditions
- D2. If the results of the monitoring show that the water quality standards or project performance standards are not being met, additional monitoring and mitigation may be required.

E. Construction Activity Conditions

- E1. During Construction the Applicant shall comply with all stormwater requirements within the NPDES Stormwater Permit issued for this project
- E2. The project site shall be clearly marked/staked prior to construction. Clearing limits, travel corridors and stockpile sites shall be clearly marked. Equipment shall enter and operate only within the delineated clearing limits, corridors, and stockpile areas.
- E3. Prior to clearing and grading in wetlands, the adjacent wetlands shall be protected from construction impacts. Construction fencing or flagging (using brightly colored tape at no less than twenty-five foot (25') intervals) of the existing wetlands and stream channels to be protected shall be completed prior to clearing. All project staff shall be trained to recognize construction fencing or flagging that identifies wetland boundaries. Equipment shall not be moved into or operated in wetlands or stream channels that are not authorized to be filled.
- E4. Work in or near waters of the state shall be done in a manner that minimizes turbidity, erosion, and other water quality impacts.
- E5. Erosion control devices (e.g., filter fences hay bales, detention areas, etc.) suitable to prevent exceedances of state water quality standards shall be in place before starting project construction and shall be maintained through construction.
- E6. Periodic inspection and maintenance of all erosion control structures shall be conducted no less than every 7 days from the start of the project to site stabilization. Additional inspections shall be conducted prior to and after expected rainfall events to ensure erosion control measures are in good working condition. Any damaged structures shall be immediately repaired. If it is determined at the inspection that additional measures are needed to control stormwater and erosion, they shall be implemented immediately.

- E7. Wash water containing oils, grease, or other hazardous materials resulting from wash down of equipment or working areas shall not be discharged into state waters except as authorized by an NPDES or state waste discharge permit.
- E8. Machinery and equipment used during construction shall be serviced, fueled, and maintained on uplands in order to prevent contamination to surface waters.
- E9. Turbid water generated from construction 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
- E10. Dewatering water that is not turbid may be discharged directly to surface waters and/or wetlands 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 the water quality standards at the point of discharge.
- E11. A separate area shall be set aside, which does not have any possibility of draining to surface waters, to wash out concrete delivery trucks, pumping equipment, and tools.
- E12. Fresh, uncured concrete in direct contact with water is toxic to aquatic life. 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 state waters.
- E13. All construction debris shall be properly disposed of on land so that it cannot cause water quality degradation to state waters.
- E14. All excess excavated material shall be disposed of above the 100-year floodplain and shall be contained so as to prevent its re-entry into waters of the state.
- E15. At the completion of construction, hydroseeding may be done to stabilize slopes and soils until other required planting is completed. Hydroseed mix shall consist of native, non-invasive, or annual plant species only.

F. Mitigation

- F1. Project mitigation shall be constructed and maintained as described in the Revise Wetland Mitigation Plan, Grapeview Loop Road Improvements, prepared for Skillings-Connolly by Herrera Environmental Consultants, dated August 2004 as amended in a memorandum from Herrera Environmental Consultants to Olivia Romano dated October 1, 2004.
- F2. The following shall be added to Goal 3 of the mitigation plan:
 - a) Objective: The created wetland area will have hydrology adequate for establishment of a mixed emergent and scrub-shrub class wetland system
 - b) Performance standard: The area of created wetland will have a variety of water depths that vary between 6 inches and saturated to the surface, for a minimum consecutive duration of thirty days during the growing season.
- F3. The property owner shall grant Ecology access to the mitigation areas for inspection during the 10 year monitoring period or until mitigation success has been achieved.
- F4. Prior to implementing any contingency measures, applicant will consult with permitting agencies.

- F5. Contingency measures and additional monitoring of the mitigation may be required by Ecology if wetland monitoring reveals that performance measures are not being met.
- F6. Any changes to the mitigation plan or monitoring requirements must be approved by Ecology **before** they are incorporated into the plan or implemented on the ground.

G. Reporting Conditions

- G1. A detailed "as built" report shall be prepared after construction showing any variances from the final mitigation plan. The "as-built" shall be the baseline document used for all future monitoring of the mitigation project. It shall include but not be limited to:
 - a) comments from a wetland specialist present on site during mitigation construction;
 - b) final site plan showing site topography (both site plan view and typical sections) and clearly indicating the mitigation site boundary;
 - c) photographs of the area taken from permanent photo points which will be designated on the site plan;
 - d) the installed planting scheme showing densities, sizes, and approximate locations of plants as well as plant sources and time of planting; and,
 - e) an analysis of any changes to the mitigation plan that occurred during construction.

H. Emergency/Contingency Measures:

- H1. The applicant shall develop a spill prevention and containment plan for this project, and shall have spill cleanup materials available on site.
- H2. Any work that is out of compliance with the provisions of this Order, or any discharge of oil, fuel, or chemicals into state waters, including wetlands, or onto land with a potential for entry into state waters, is prohibited. If these occur, the 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 Southwest Regional Spill Response Office at (360) 407-6300 of the nature of the problem and any actions taken to correct the problem and any proposed changes in operations to prevent further problems.

- H3. 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.
- H4. 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's Southwest Regional Spill Response Office at 360 407-6300.

I. General Conditions:

- 11. 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.
- 12. This Order does not exempt and is conditioned upon compliance with other statutes and codes administered by federal, state, and local agencies.
- 13. The Applicant shall construct and operate the project in a manner consistent with the project description contained in the Public Notice for certification, or as otherwise approved by Ecology.
- 14. The Applicant shall provide access to the project site upon request by Ecology personnel for site inspections, monitoring, necessary data collection, or to ensure that conditions of this Order are being met.
- 15. Copies of this Order and all related permits, approvals, and documents shall be kept on the project site and readily available for reference by the project managers, construction managers and foremen, other employees and contractors of the Applicant, and state agency personnel.
- 16. Ecology retains continuing jurisdiction to make modifications hereto through supplemental Order, if it appears necessary to further protect the public interest.
- 17. 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) per violation for each day of continuing noncompliance.

Any person aggrieved by Order No. 2018 may obtain review thereof by appeal. Pursuant to Ch. 43.21B RCW, a person can appeal this order to the Pollution Control Hearings Board within 30 days of the date of receipt of this Order. Any such appeal must be sent to the Washington Pollution Control Hearings Board, P.O. Box 40903, Olympia, WA 98504-0903. Concurrently, a copy of the appeal must be sent to the Department of Ecology, Shorelands and Environmental Assistance Program, Attn: Loree' Randall, P.O. Box 47600, Olympia, WA 98504-7600. These procedures are consistent with the provisions of Chapter 43.21B RCW and the rules and regulations adopted thereunder.

Dated 11 MARCH 2005 at Lacey, Washington


Perry J Lund, Unit Supervisor
Shorelands and Environmental Assistance Program
Department of Ecology – Southwest Regional Office

Attachment A

**Water Quality Certification
Statement of Understanding**

I, _____, state that, as an agent or contractor for realignment of a portion of Grapeview Loop Road and construction of wetland mitigation site for Mason County Public Works, I have read and understand the relevant conditions of Washington Department of Ecology Water Quality Certification Order #2018 and the applicable permits and approvals referenced therein which pertain to the project-related work for which I am responsible.

Signature

Date

Title

Company