



STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY

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

March 3, 2006

REGISTERED MAIL
RB252 973 838 US

Cowlitz County Public Works Department
ATTN: Mr. Roger Maurer
207 Fourth Avenue N., Room 101
Kelso, WA 98626

- RE: Water Quality Certification Order **2992** for U.S. Coast Guard Public Notice No. 16591 to construct a new bridge and temporary work bridge across the Cowlitz River located within the unincorporated community of Lexington, north of the City of Kelso, Cowlitz County, Washington

Dear Mr. Maurer:

On July 18, 2005, Cowlitz County Public Works Department 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 construction of a new 643-foot long, four-span girder bridge composed of three piers and two abutments within the ordinary high water mark of the Cowlitz River, a tributary of the Columbia River located in the unincorporated community of Lexington between SR 411/Sparks Drive intersection to the west and the Interstate 5/Ostrander Road interchange to the east, Cowlitz County, Washington. The U.S. Coast Guard issued a public notice on September 26, 2005 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 Ochoa at (360) 407-6926. The enclosed Order may be appealed by following the procedures described in the Order.

Sincerely,

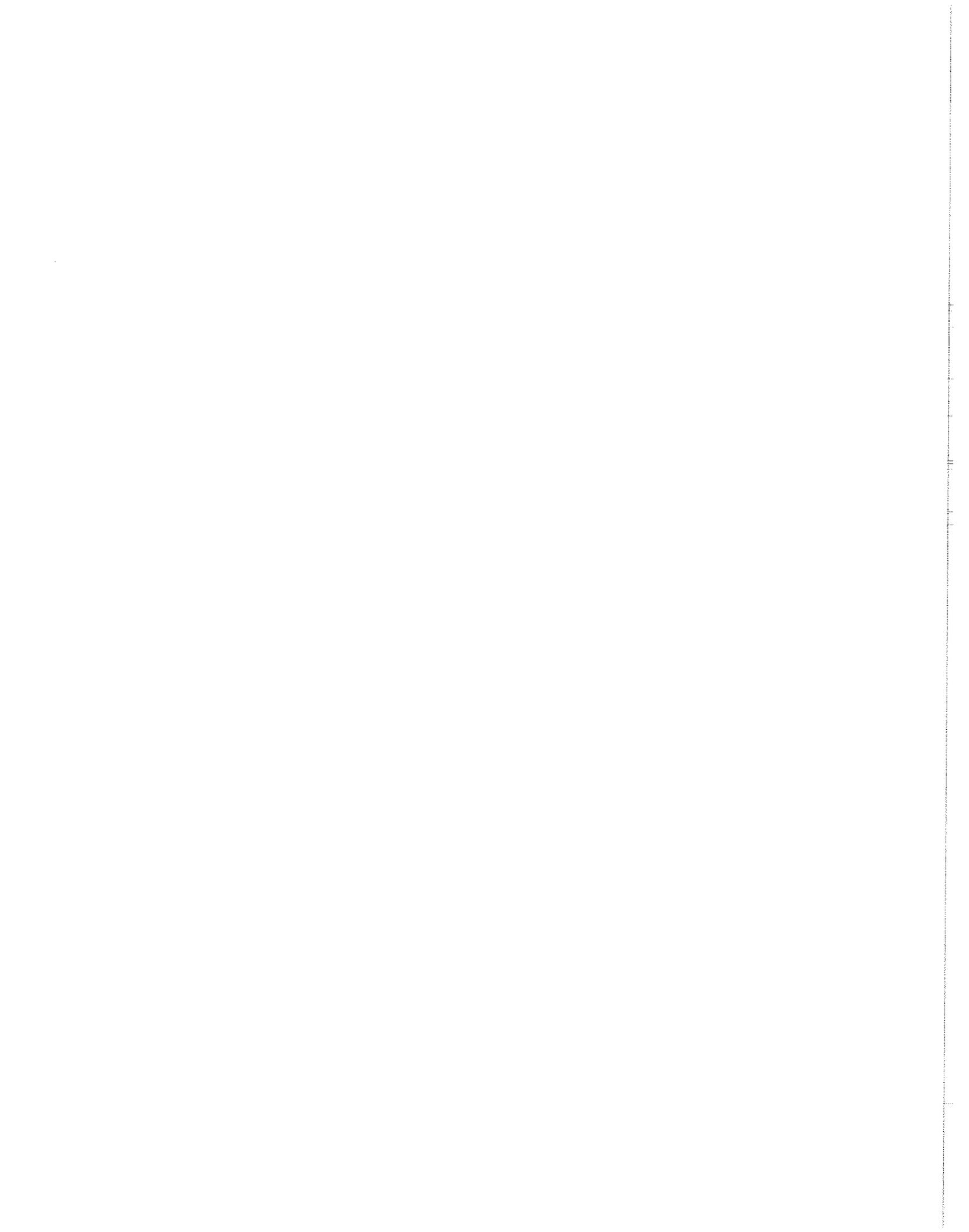


Perry J Lund
Southwest Regional Office
Shorelands and Environmental Assistance Program

LO:th
Enclosure

cc: Austin Pratt, U.S. Coast Guard
Danette Guy, WDFW
Lisa Hendrickson, Cowlitz County
Ross Widener, Widener and Associates





IN THE MATTER OF GRANTING A)	ORDER # 2992
WATER QUALITY CERTIFICATION)	U.S. Coast Guard Reference No. 16591
TO)	Construct a new bridge and temporary work bridge
Cowlitz County Public Works)	across the Cowlitz River located in the Lexington
Department, Attn: Mr. Roger Maurer)	Community north of the City of Kelso, Cowlitz
in accordance with 33 U.S.C. 1341 (FWPCA)	County, Washington.
§ 401), RCW 90.48.120, RCW 90.48.260)	
and Chapter 173-201A WAC)	
)	

TO: Cowlitz County Public Works Department
ATTN: Mr. Roger Maurer
207 Fourth Avenue N., Room 101
Kelso, WA 98626

On July 18, 2005 Cowlitz County Public Works Department submitted a Joint Aquatic Resource Permit Application (JARPA) to the Department of Ecology (Ecology) requesting a Section 401 Water Quality Certification. A public notice for a proposed water quality certification from Ecology was distributed by the U.S. Coast Guard for the above-referenced project pursuant to the provisions 33 U.S.C. 1341 (FWPCA § 401) Chapter 173-225 WAC on September 26, 2005.

The proposed project entails construction of a new bridge across the Cowlitz River on Lexington Avenue to provide direct access to Interstate 5 for the Lexington Community. The proposed structure is a 643-foot long, four-span concrete girder bridge with three piers and two abutments within the waterway. A temporary work bridge parallel to the concrete structure is also proposed which will be removed in its entirety when construction is complete. The project is located in the unincorporated community of Lexington between the SR 411-Sparks Drive intersection to the west and the Interstate 5 – Ostrander interchange (Exit 42) to the east, Cowlitz County; Sections 11, 14; Township 8 North, Range 2 West; WRIA No 26, Cowlitz 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 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 Cowlitz County Public Works Department, and its agents, assignees and contractors.
- 2 For purposes of this Order, all submittals required by its conditions shall be sent to Ecology's Southwest Regional Office, Attn: Federal Permit Coordinator, P.O. Box 47775, Olympia, WA 98504-7775. Any submittals shall reference Order No. 2992 and Coast Guard Number 16591.
- 3 Work authorized by this Order is limited to the work described in the JARPA received by Ecology on July 18, 2005. 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. Coast Guard does not issue a Section 9 Bridge Permit.
- 6 This Order does not exempt, and is provisional upon compliance with other statutes and codes administered by federal, state, and local agencies.
- 7 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
- 8 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.
- 9 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.

10. 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.
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. 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.

B. No Further Impairment of Existing Water Quality:

1. The Cowlitz River (WRIA 26) 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 (Chapter 173-204 WAC). Water quality criteria contained in WAC 173-201A-030(2) and WAC 173-201A-040 shall apply to this project. This Order does not authorize temporary exceedances of the turbidity standard beyond the limits established in WAC 173-201A-110 (3). 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.

C. Timing Requirements:

1. This Order is valid until all compliance requirements in this document have been met.
2. In-water work is subject to a fishery closure window determined by Washington State Department of Fish and Wildlife's (WDFW) Hydraulic Project Approval (HPA). All in-water work shall be completed by the work window identified in the most current HPA issued for this project.

D. Notification Requirements:

1. The Applicant shall provide written notification (FAX, e-mail or mail) to Ecology's Southwest Regional Office Federal Permit Coordinator in writing at least fourteen (14) days prior to the start of work below the ordinary high water mark of Puget Sound.
2. The Applicant shall provide written notification to Ecology's Southwest Regional Office Federal Permit Coordinator in writing within fourteen (14) days after completion of construction.

NOTE: These notifications shall include the Applicant's name, project name, project location, the number of this Order, contact and contact's phone number.

E. Water Quality Monitoring and reporting Conditions:

1. During and immediately after project construction, the Applicant or their contractor shall visually monitor for turbidity discharges at the point of compliance established in WAC 173-201A-110(3). If water quality exceedances are observed outside of 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 appropriate measures to correct the problem and/or prevent further water quality turbidity exceedances. The Applicant or their contractor shall notify Ecology's Southwest Regional Office Federal Permit Coordinator at (360) 407-6926 of the exceedances.
2. 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.
3. Any changes to the monitoring requirements must be approved in writing by Ecology.

F. Construction Conditions:

General

1. A Spill Prevention Containment and Countermeasures (SPCC) Plan shall be developed for the project and submitted to Ecology for review to ensure that all pollutants and products will be appropriately controlled and contained. This plan shall identify specific measures to contain and prevent concrete and concrete contaminated water from entering state waters. The plan shall specifically address, but not is not limited to, concrete and concrete contaminated wastewater pump lines and sediment tanks as well as any proposed de-sanding operations.
2. During construction, the Applicant shall comply with all stormwater requirements within the current NPDES Construction Stormwater Permit issued for this project.
3. The Applicant shall implement and follow all specifications for erosion and sediment control specified in the Stormwater Pollution Prevention Plan (SWPPP) and/or Erosion and Sediment Control Plan (ESC) as required in the NPDES permit. The erosion control devices shall be in place before starting construction and shall be maintained, so as to be effective throughout construction.
4. The project shall be clearly marked/staked prior to construction. Clearing limits, travel corridors and stockpile sites shall be clearly marked. Sensitive 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. 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 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.

6. 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 except that bed material located exactly where new piers and footings are to be placed may be relocated.
7. 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 best management practices suitable to prevent exceedances of state water quality standards shall be in place before starting clearing, filling and grading work and shall be maintained throughout construction.
8. All debris or deleterious material resulting from construction shall be properly contained and disposed of so that it cannot enter waters of the state.
9. The Applicant shall establish a separate contained area for washing down equipment, which does not have any possibility of draining to surface waters and wetlands. No concrete wash water or wash water containing sediments, oils, grease, or other hazardous materials resulting from wash down of the work area, tools, and equipment including concrete delivery trucks or other equipment used for concrete work shall not be discharged into state waters.
10. Machinery and equipment used during construction shall be serviced, fueled, and maintained on uplands in a confined area in order to prevent containment to waters of the state. Fueling areas will be provided with adequate spill containment.

Bridge Work

11. A containment boom surrounding the work area will be used during bridge construction and demolition activities to contain and collect any floating debris and sheen. All materials collected shall be removed and disposed of at an appropriate upland facility.
 - a. The Applicant shall have a boat available and onsite during in-water activities to retrieve any debris entering the water.
12. In-water excavation work will be done using a clamshell dredge. To minimize the potential for spills, only experienced equipment operators will be used in handling the drilled shafts excavation material.
13. Turbid water generated from construction activities, including turbid de-watering water, shall not be discharged directly to water of the state. Turbid water shall be routed to an upland location to allow removal of fine sediment and other contaminants.
14. Clean de-watering water that has been tested and confirmed to meet water quality standards may be discharged directly to waters of the state. The discharge outfall method shall be designed and operated so as not to cause erosion or scour in state waters, banks, or vegetation.
15. During impact pile driving, a bubble curtain will be in place at all times to attenuate underwater vibrations.
16. Equipment used for in-water work shall be free of external petroleum-based products.

while working around waters of the state and shall be checked daily for leaks. Any necessary repairs shall be completed prior to commencing work activities.

17. Uncured concrete and concrete by-products shall be completely sealed off from the ordinary high water mark (OHWM) and wetted perimeter of the Cowlitz River and totally contained using sealed forms or other leak-proof containment systems, and not allowed to contaminate or enter the OHWM or wetted perimeter of the Cowlitz River.
18. When possible, all concrete shall be poured during dry weather and in a dry de-watered site. If that is not possible, the concrete contact water shall not enter waters of the state or the adjacent bank of the Cowlitz River. All concrete shall be completely cured prior to coming into contact with waters of the state. Any contact water discharged from a confined area with curing concrete shall be discharged to upland area to be treated and infiltrated, or disposed of appropriately with no possible entry into the Cowlitz River or other state waters.
19. Any wooden components used for the construction of the temporary work bridge, if composed of pressure treated wood, shall be professionally and commercially produced and chemically fixed in accordance with all current best management practices as contained in the Western Wood Preservers Institute's latest edition of "The Best Management Practices for Use of Treated Wood in Aquatic Environments."
20. The temporary work bridge will be fully lined with plastic/filter fabric to contain any spills and prevent discharges of contaminants to waters of the state.
21. No wood, metal, or concrete preservatives, paints, sealers, glues, epoxies, chemicals, or other substances harmful or toxic to fish shall be applied to the pier system once it has been placed within or over the OHWM of the Cowlitz River.
22. Under no circumstances shall free fall dumping of fill or bridge material in or next to any waters of the state unless control mechanisms are in place to prevent sediment from entering the water.
23. All excess excavated material shall be disposed of above the ordinary high water mark and shall be contained so as to prevent its re-entry into waters of the state.
24. Riparian areas disturbed during project construction shall be replanted with native vegetation immediately after project completion.

G. 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, including wetlands, 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 Southwest Regional Spill Response Office at (360) 407-6300 and the Washington State Department of Fish and Wildlife of the nature of the problem, any actions taken to correct the problem, and any proposed changes in operations to prevent further problems.
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's Southwest Regional Spill Response Office at 360 407-6300.

H. 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.

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

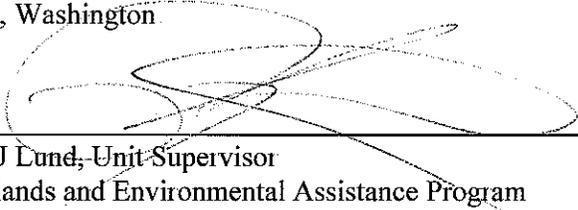
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In addition, please send a copy of your appeal to:
Federal Permit Appeals Coordinator
Department of Ecology
P.O. Box 47600
Olympia, Washington 98504-7600

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 3 MARCH 2006 at Lacey, Washington.



Perry J Lund, Unit Supervisor
Shorelands and Environmental Assistance Program
Department of Ecology
State of Washington

Attachment # A
Water Quality Certification, Order # 2992
Statement of Understanding

I, _____, state that, I will be involved as an agent or contractor for Cowlitz County Public Works Department in the construction of a new 643-foot long, four-span girder bridge composed of three piers and two abutments within the ordinary high water mark of the Cowlitz River, a tributary of the Columbia River located in the unincorporated community of Lexington between SR 411/Sparks Drive intersection to the west and the Interstate 5/Ostrander Road interchange to the east, Cowlitz County, Washington. I further state that I have read and understand the relevant conditions of Washington Department of Ecology Water Quality Certification Order #2992 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

