



STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY

15 West Yakima Avenue, Suite 200 • Yakima, Washington 98902-3452 • (509) 575-2490

December 3, 2004

CERTIFIED MAIL

Mr. Alex Osenbach
421 Third Avenue West
Seattle, WA 98119

Dear Mr. Osenbach:

RE: Order #04SEACR-1824 -- Water Quality Certification for: The placement of 126 cubic yards of fill to extend 2 existing boat launches/boat ramps by 40 feet; place 600 cubic yards of sand bags to construct 3 coffer dams; dredge 3 existing boat basins (16,800 cubic yards); install new marina floats (3,986 square feet) with piling.

The request for certification for proposed work in and adjacent to the Columbia River has been reviewed. On behalf of the state of Washington, I certify that the proposed work, as conditioned by the enclosed Order, will comply 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.

This certification is subject to the conditions contained in the enclosed Order. If you have any questions, please contact Gary Graff at (509) 454-4260. Written comments can be sent to him at the Department of Ecology, Central Regional Office, 15 W. Yakima Avenue, Suite 200, Yakima, WA 98902, or at gagr461@ecy.wa.gov. The enclosed Order may be appealed by following the procedures described in the Order.

Sincerely,

Jeff Lewis, Section Manager
Shorelands and Environmental Assistance Program

GG:jw041121
Enclosure

cc: Debbie Knaub, U.S. Army Corps of Engineers – Seattle
Mary Mulrone, U.S Army Corps of Engineers – Seattle
Mark Kulaas, Douglas County Planning Department
Joan Cabresa, U.S. Environmental Protection Agency
Bob Steele, Washington State Department of Fish and Wildlife - Wenatchee
David Grant, Washington State Department of Natural Resources - Ellensburg
Yvonne Oliva, Ecology - HQ

**IN THE MATTER OF GRANTING
A WATER QUALITY
CERTIFICATION TO:**
Mr. Alex Osenbach
in accordance with 33 U.S.C. 1341
FWPCA § 401, RCW 90.48.260,
and Chapter 173-201A WAC

ORDER #04SEACR-1824
U.S. Army Corps of Engineers Reference
No. 200301010– Place 126 cubic yds of fill,
extend 2 existing boat launches by 40 feet,
construct 3 coffer dams, dredge 3 existing
boat basins removing 16,800 cubic yds, and
install new marina floats with piling.

TO: Mr. Alex Osenbach
421 Third Avenue West
Seattle, WA 98119

On December 5th, 2003 a public notice for a proposed water quality certification from the State of Washington was distributed for the above-referenced project pursuant to the provisions of 33 U.S.C. 1341 (FWPCA § 401). The proposed project entails the placement of 126 cubic yards of fill to extend 2 existing boat launches/boat ramps by 40 feet; place 600 cubic yards of sand bags to construct 3 coffer dams; dredge 3 existing boat basins (16,800 cubic yards); install new marina floats (3,986 square feet) with piling. The project is located within the OHWM of the Columbia River approximately 14 miles north of Orondo, Douglas County, Washington within Section 11, Township 26 N., Range 21 E., W.M.

AUTHORITIES:

In exercising authority under 33 U.S.C. 1341, 16 U.S.C. 1456, and RCW 90.48.260, 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, 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.

**CONDITIONS OF ORDER #04SEACR-1824 AND WATER QUALITY
CERTIFICATION:**

In view of the foregoing and in accordance with 33 U.S.C. 1341, RCW 90.48.260, and Chapter 173-201A WAC, water quality certification is granted to Entiat Lodge Associated subject to the following conditions:

A. No Impairment of Water Quality:

- A1. Columbia River (WRIA #44, Segment NN57SG) is a Class A water of the state. Certification of this proposal does not authorize the applicant to exceed applicable state water quality standards (Chapter 173-201A WAC) or sediment quality standards (Chapter 173-204 WAC). Water quality criteria contained in WAC 173-201A-030(1) and WAC 173-201A-040 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 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.

Columbia River has been identified on the current 303(d) list as exceeding state water quality standards for dissolved gas, temperature, pH, and water column bioassay. This proposed project shall not result in further exceedances of these standard.

B. Water Quality Standards:

- B1. Conditions listed below are issued under the authority of Chapter 90.48 RCW and Chapter 173-201A WAC. Except as specifically authorized by this Order, all applicable provisions of Chapter 173-201A WAC shall be met.
- B2. Certification of this project does not authorize the applicant to exceed the turbidity standard for Class A waters beyond the mixing zone described below at condition B3. Turbidity in Class A waters shall not exceed 5 NTU over background turbidity when the background turbidity is 50 NTU or less, or have more than a 10 percent increase in turbidity when the background turbidity is more than 50 NTU.
- B3. Mixing Zone: Consistent with WAC 173-201A-100(7) and -110(3) a mixing zone is established within which the turbidity standard is waived. The mixing zone is established to allow only temporary exceedances of the turbidity criteria during and immediately after project construction. The temporary turbidity mixing zone shall be as follows:

- WAC 173-201A-100(7)(a) The maximum size of the mixing zone shall comply with the following:
 - (i) Not to extend in a downstream direction for a distance from the discharge port(s) greater than three hundred feet plus the depth of water over the discharge port(s), or extend upstream for a distance of over one hundred feet;
 - (ii) Not utilize greater than twenty-five percent of the flow; and
 - (iii) Not occupy greater than twenty-five percent of the width of the water body.

C. Water Quality Sampling and Monitoring:

- C1. A water quality monitoring plan shall be developed and implemented that establishes performance standards for measuring compliance with the turbidity standard at the point of compliance for the project. Samples shall be taken a minimum of three times per day during in-water activity, once each day before work begins to collect baseline data, and twice during the day while construction activities are taking place.
- C2. The baseline data sampling will require only one collection point, at a distance of 300 feet downstream from the worksite. During any construction/dredging activity, additional samples shall be taken at two different collection points in a distance not to exceed 300 feet downstream from the worksite. Of these two collection points, one will be in the near shore environment, and another at an adequate distance waterward of the shoreline, not to exceed twenty-five percent of the width of the water body.
- C3. The water quality monitoring plan shall be sent to and received by Ecology's Gary Graff for review and approval at least one week before construction is scheduled to begin.
- C4. Results of daily sampling shall be tabulated and forwarded to Department of Ecology on a weekly basis to Gary Graff, at e-mail gagr461@ecy.wa.gov, or fax at (509) 575-2809.
- C5. If sampling indicates that turbidity standards have been exceeded, the following actions will be taken:
 - Work shall be halted.
 - Sampling shall be increased to a minimum of once per hour, until water quality standards are restored, to determine the length of time of the violation.

- A detailed written incident report shall be submitted to Ecology within five days that describes the nature of the violation, corrective action taken and/or planned, steps to be taken to prevent a recurrence, results of any samples taken, and any other pertinent information.

C6. Work activities occurring landward of the wetted perimeter, or "in the dry", do not require sampling and monitoring contained in Section C of this order.

D. Project Mitigation:

D1. The Mitigation Planting Plan dated March 5, 2004, submitted to Gary Graff at the Department of Ecology, shall be approved, and strictly adhered to in all facets. Entiat Lodge Associated shall implement the approved plan.

- The applicant or his designee shall be responsible for success of the mitigation plan implementation, including submission of all reports required by this order.
- Mitigation and buffer area planted plants shall be marked in the field by markers (flagged stakes with genus and species name) at the time they are planted. Such markers shall be maintained in-place for the duration of the monitoring period.
- An annual mitigation monitoring report will be submitted to Gary Graff at the Department of Ecology by December 31st of each year after site planting. With a final monitoring report at the end of the 3rd year after the final phase of mitigation has been completed.
- **Disturbed project areas shall have no greater than a 10 percent cover of non-native invasive plants.** If the site exceeds this percent cover, then a plan shall be developed and implemented to remedy the situation no later than the end of the first growing season after the situation is identified.

E. Construction:

E1. Construction Stormwater and Erosion Control:

E1a. Work in or near waters of the state 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 (*e.g.*, hay bales, detention areas, silt fences, etc.), shall be in place before starting clearing, filling, and grading work at the impact sites.

- E1b. 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.
- E2. During clearing and filling at the various project sites, Entiat Lodge Associated shall take all necessary measures to minimize the alteration or disturbance of existing wetland and upland vegetation.
- E3. No existing shoreline or lake material (i.e., logs, rocks, gravel, cobbles, woody debris or other lakebed material,) shall be relocated or used as bulkhead armor, as fill, or for any other purposes, **except** that lakebed material located exactly where the new pilings, walkway, and bulkhead are to be placed may be relocated.
- E4. Dredge spoils will be deposited upland, according to the plans provided to Ecology. Dredge spoils are not be allowed to enter OHWM or the wetted perimeter of the Columbia River.
- E5. Uncured concrete and concrete by-products shall be completely sealed off from the ordinary high water mark (OHWM) and wetted perimeter of Columbia River, totally contained through the use of sealed forms or other leakproof containment systems, and not allowed to contaminate or enter the OHWM or wetted perimeter of Columbia River.
- E6. All construction debris shall be properly disposed of on land so that it cannot enter a waterway or cause water quality degradation to state waters.
- E7. 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.
- E8. Any wooden pier components, piling, pier support, and other materials 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 "Best Management Practices for the Use of Treated Wood in Aquatic Environments."

- E9. No wood, metal, or concrete preservatives, paints, sealers, glues, epoxies, chemicals, or other substances harmful or toxic to fish or shellfish shall be applied to the pier system once it has been placed within or over the OHWM of Columbia River.
- E10. Entiat Lodge Associated shall provide written notice to Ecology's Gary Graff at least 14 days prior to the start of placing fill in wetlands or other waters of the state, and within 14 days after completion of construction at each project site and mitigation site.
- E11. Clean Fill Criteria: Entiat Lodge Associated shall ensure that fill placed for the proposed project does not contain toxic materials in toxic amounts.

F. Emergency/Contingency Measures:

- F1. In the event Entiat Lodge Associated is unable to comply with any of the permit terms and conditions due to any cause, Entiat Lodge Associated shall:
- Immediately take action to stop, contain, and clean up unauthorized discharges or otherwise stop the violation and correct the problem.
 - Notify Ecology of the failure to comply. Spill events shall be reported immediately to Ecology's 24-Hour Spill Response Team at (509) 575-2490, and within 24 hours to Ecology's Gary Graff at (509) 454-4260.
 - Submit a detailed written report to Ecology within five days that describes the nature of the violation, corrective action taken and/or planned, steps to be taken to prevent a recurrence, results of any samples taken, and any other pertinent information.
- F2. Compliance with this condition does not relieve Entiat Lodge Associated from responsibility to maintain continuous compliance with the terms and conditions of this Order or the resulting liability from failure to comply.
- F3. 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. No refueling of equipment shall occur over, or within 50 feet of creeks, rivers, lakes, or wetlands.

- F4. Entiat Lodge Associated shall develop a Pollution Prevention Plan that incorporates relevant best management practices contained in the "Resource Manual for Pollution Prevention in Marinas", Ecology Publication #98-11, which can be downloaded at the following internet address:
<http://www.ecy.wa.gov/biblio/9811.html>. The Pollution Prevention Plan shall be submitted to Gary Graff at the Department of Ecology for approval within 180 days of the issuance of this water quality certification, and the approved plan implemented by Entiat Lodge Associated.

G. General Conditions:

- G1. This certification does not exempt and is provisional upon compliance with other statutes and codes administered by federal, state, and local agencies.

This includes approvals, rights, and documents such as but not limited to:

- Douglas County: Shoreline Substantial Development Permit.
- Douglas County: Shoreline Conditional Use Permit.
- Washington State Department of Ecology: Water Rights.
- Washington State Department of Ecology: Shoreline Conditional Use Permit.
- Washington State Fish and Wildlife: Hydraulic Project Approval.
- U.S. Army Corps of Engineers: Section 10 Permit.
- U.S. Army Corps of Engineers: 404 Permit.

Documents filed:

- Washington State Environmental Policy Act, Mitigated Determination of Non-significance issued June 7, 2004 by the Douglas County Planning Department.
- G2. Entiat Lodge Associated will be out of compliance with this certification if the project is constructed and/or operated in a manner not consistent with the project description contained in the Public Notice for certification, or as otherwise approved by Ecology. Additional mitigation measures may be required through other local, state, or federal requirements.
- G3. Entiat Lodge Associated will be out of compliance with this certification and must reapply with an updated application if five years elapse between the date of the issuance of this certification and the beginning of construction and/or discharge for which the federal license or permit is being sought.

G4. Entiat Lodge Associated will be out of compliance with this certification and must reapply with an updated application if the information contained in the Public Notice is voided by subsequent submittals to the federal agency. Any future action at this project location, emergency or otherwise, that is not defined in the public notice, or has not been approved by Ecology, is not authorized by this Order. All future actions shall be coordinated with Ecology for approval prior to implementation of such action.

G5. 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 foremen, and state and local government inspectors.

To avoid violations or non-compliance with this Order, Entiat Lodge Associated shall ensure that project managers, construction superintendents, and other responsible parties have read and understand relevant aspects of this Order.

Entiat Lodge Associated shall provide to Ecology a signed statement for each project phase, from each project manager and construction superintendent working at the project and mitigation sites that they have read and understand the conditions of the above-referenced permits, plans, and approvals. These statements shall be provided to Ecology no less than seven (7) days before construction begins at each project or mitigation site.

G6. Entiat Lodge Associated shall provide access to the project site and all mitigation sites upon request by Ecology personnel for site inspections, monitoring, necessary data collection, or to ensure that conditions of this Order are being met.

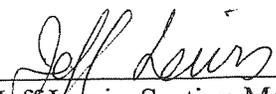
G7. Nothing in this Order waives Ecology's authority to issue additional orders if Ecology determines further actions are necessary to implement the water quality laws of the state. Further, Ecology retains continuing jurisdiction to make modifications hereto through supplemental order, if additional 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 the public interest.

G8. Liability: 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.

Appeal Process:

Any person aggrieved by Order No. 04SEACR1824 may obtain review thereof by appeal. Pursuant to Chapter. 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, PO 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, PO 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 12-3-2004 at Yakima, Washington.



Jeff Lewis, Section Manager
Shorelands and Environmental Assistance Program
Department of Ecology
State of Washington