



STATE OF WASHINGTON  
DEPARTMENT OF ECOLOGY

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

December 3, 2004

**CERTIFIED MAIL 7002 2410 0007 8527 1224**

Washington State Parks & Recreation Commission  
Attn: Mark Schulz  
2201 North Duncan Drive  
Wenatchee WA 98801-1007

**RE: Order No.-04SEACR-1823 Water Quality Certification for Washington State Parks & Recreation Commission; Wanapum Recreation Area Boat Launch Reconstruction and Parking Lot Improvements  
(US Army Corps reference # 2004 00296)**

Dear Mr. Schulz:

The request for certification for proposed work in wetlands and adjacent to the Columbia River has been reviewed. On behalf of the State of Washington, we 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 Catherine Reed at (509) 575-2616. Written comments can be sent to her at the Department of Ecology, Central Regional Office or at [craj461@ecy.wa.gov](mailto:craj461@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

CR:jw041119

Enclosure

cc: Corps of Engineers – Joe Brock  
WDFW – Robert M. Steele  
Kittitas County Planning – Jan Sharer  
Ecology SEA HQ – Penny Keys

**FILE COPY**

IN THE MATTER OF GRANTING	)	ORDER NO. 04SEACR-1823
A WATER QUALITY	)	To replace and improve existing boat launch
CERTIFICATION TO:	)	facility located at the Wanapum
Washington State Parks and	)	Recreational Area at Ginkgo State Park
Recreation Commission	)	In the Columbia River near Vantage
In accordance with 33 U.S.C. 1341	)	US Army Corp No. 200400296
FWPCA § 401, RCW 90.48.260 and	)	
Chapter 173-201A WAC	)	

TO: Washington State Parks & Recreation Commission  
 Attn: Mark Schulz  
 2201 North Duncan Drive  
 Wenatchee, WA 98801-1007

On June 18, 2004, 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 project is located in the SE ¼ of section 6, Township 16 N., Range 23 E., near Vantage at Wanapum Recreational Area, which is a part of Ginkgo State Park. The proposed project entails dredging of 1,224 cubic yards of material (concrete, gravel and sand) from the Columbia River to facilitate the replacement of existing boat launch ramps and to create a boat launch basin. Dredging would occur over 0.28 acres. Dredge material would be used on site for construction or disposed in uplands. A boat launch ramp and a culvert outfall will be constructed by placement of 260 cubic yards of fill (gravel, riprap and poured concrete) in the Columbia River. Two steel pilings and eight floats will be installed adjacent to the boat launch ramp. An intermittent stream channel will be filled for parking lot expansion and the placement of stormwater basin installation. The intermittent stream (625 lineal feet) will be piped and rerouted through a 5-foot diameter culvert.

**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, 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 and Chapter 173-201A WAC, water quality certification is granted to the Washington State Parks & Recreation Commission subject to the following conditions:

### **A. No Impairment of Water Quality:**

- A1. In this reach, Columbia River [WRIA # 40] are Class A waters of the state. Certification of this proposal does not authorize Washington State Parks & Recreation Commission to exceed applicable state water quality standards (Chapter 173-201A WAC) or sediment quality standards (Chapter 173-204 WAC). Water quality criteria contained in Chapter 173-201A-200 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 Chapter 173-201A. Furthermore, nothing in this certification shall absolve Washington State Parks & Recreation Commission from liability for contamination and any subsequent cleanup of surface waters or sediments occurring as a result of project construction or operations.

The Columbia River has been identified on the current 303(d) list as exceeding state water quality standards for temperature and dissolved gas (Oxygen). Temperature shall not exceed 20.0 degrees centigrade due to human activities. When natural conditions exceed 20.0 degrees centigrade, no temperature increase will be allowed which will raise the receiving water temperature by greater than 0.3 degrees centigrade; nor shall such temperature increases, at any time, exceed 0.3 degrees centigrade due to any single source or 1.1 degrees centigrade due to all such activities combined. This proposed project shall not result in further exceedances of this standard.

### **B. Project Mitigation:**

- B1. Impacts to aquatic resources shall be mitigated through measures described in the following documents, except as modified by this Order:
- JARPA application dated March 19, 2004
  - SEPA Determination of Non-significance dated March 17, 2004, by Washington State Parks and Recreation Commission
  - Washington State Dept. of Fish and Wildlife Hydraulic Project Approval SI-G2807-01
  - Biological Assessment for Boat Launch Reconstruction and Improvement at the Wanapum Recreation Area, Ginkgo Wanapum Petrified Forest State Park by Public Utility District No. 2 of Grant County (March 2004)

- B2. Mitigation elements are more fully described in the above-referenced document[s] and as revised through the conditions of this Order. Selected mitigation elements include the following:
1. Turbidity and siltation impacts will be controlled by the use of a weighted silt curtain and/or other best management practices.
  2. Equipment staging and construction materials storage areas shall be located in existing developed areas at least 50 feet from the Ordinary High Water Mark.
  3. The floats shall be designed so that they do not ground out during low water conditions and they shall provide 12 inches of clearance.
  4. A sheet pile cofferdam (or other functionally similar structure) will be constructed so that pouring of the concrete launch ramp can occur in the dry. Dewatering water shall be treated in an upland area and infiltrated or otherwise treated so that it is not discharged to the River until the water meets water quality standards.
  5. The final version of the Spill Prevention Countermeasure Control (SPCC) plan shall be posted on site at all times during site activities and shall be easily accessible to site construction employees. **A copy of the SPCC plan shall be sent to Ecology SEA program 401 certification (attn: Catherine Reed) before site activities begin.**
  6. New floats shall be fully grated on the surfaces and the handling floats shall be no wider than 6 feet.
  7. Within seven calendar days of project completion, all disturbed areas shall be protected from erosion using vegetation or other means needed to stabilize soils on site.
  8. Within one year of project completion, the banks, including riprap areas, shall be re-vegetated with native or other approved woody species. Spacing of shrubs shall be on 3 to 5-foot centers, and trees on 10-foot centers. Re-vegetated areas shall be maintained as needed for three years to ensure 80 percent survival.

**C. Stormwater Management:**

- C1. 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.
- C2. If site spoils are used in the construction of the permanent stormwater treatment cells, written evaluation of the spoils material as to its suitability for use in the cells shall be obtained from a qualified soil scientist or stormwater engineer. The evaluation shall be submitted to Ecology to ensure that the spoils will provide adequate infiltration as described in the Stormwater Management Manual for Eastern Washington.
- C3. A maintenance plan for the constructed biofiltration and infiltration cells shall be provided to Ecology for inclusion in the file by the end of the first year after construction is completed. The maintenance plan shall include type of maintenance actions needed to assure proper functioning of the cells and the projected frequency of the maintenance actions or methods by which routine maintenance frequency will be determined.

**D. Construction:**

- D1. Construction Stormwater and Erosion Control:
  - D1a. 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, filter fences, etc.), shall be in place before starting clearing, filling, and grading work at the impact sites.
  - D1b. 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.
- D2. During clearing and filling at the various project sites, Washington State Parks & Recreation Commission shall take all necessary measures to minimize the alteration or disturbance of existing wetland and upland vegetation.
- D3. 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.

- D4. 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.
- D5. NOTIFICATION REQUIREMENT: Washington State Parks & Recreation Commission shall provide written notice to Ecology's 401 permit reviewer 48 hours prior to the start of placing fill in wetlands or other waters of the state, and within 14 days after completion of construction.
- D7. Clean Fill Criteria: Washington State Parks & Recreation Commission shall ensure that fill placed for the proposed project does not contain toxic materials in toxic amounts.

**E. Emergency/Contingency Measures:**

- E1. In the event Washington State Parks & Recreation Commission is unable to comply with any of the permit terms and conditions due to any cause, Washington State Parks & Recreation Commission shall:
  - 1. Immediately take action to stop, contain, and clean up unauthorized discharges or otherwise stop the violation and correct the problem.
  - 2. 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 401 permit reviewer (Catherine D. Reed) at (509) 575-2616.
  - 3. 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.
  - 4. Compliance with this condition does not relieve Washington State Parks & Recreation Commission from responsibility to maintain continuous compliance with the terms and conditions of this Order or the resulting liability from failure to comply.
- E2. 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 or wetlands.

**F. General Conditions:**

- F1. This certification does not exempt and is provisional upon compliance with other statutes and codes administered by federal, state, and local agencies.

All conditions in the following permits, approvals, and documents are incorporated herein and are specific conditions of this Order:

- SEPA Determination of Non-significance , dated March 17, 2004 by Washington State Parks and Recreation Commission
- Washington State Dept. of Fish and Wildlife Hydraulic Project Approval ST-G2807-01

- F2. Washington State Parks & Recreation Commission 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.
- F3. Washington State Parks & Recreation Commission 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.
- F4. Washington State Parks & Recreation Commission 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.
- F5. 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.
1. To avoid violations or non-compliance with this Order, Washington State Parks & Recreation Commission shall ensure that project managers, construction superintendents, and other responsible parties have read and understand relevant aspects of this Order, the HPA, and the SPCC plan.
  2. Washington State Parks & Recreation Commission shall provide to Ecology a signed statement 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 before construction begins at the project site.
- F6. Washington State Parks & Recreation Commission 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.

- F7. 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.
- F8. 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 this Order may obtain review thereof by appeal, within thirty (30) days of receipt of this Order, 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, Enforcement Section, 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 12-3-04 at Yakima, Washington.

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

JL:CR:jw041120

Order No. 04SEACR-1823, Washington State Parks & Recreation Commission