



STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY

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June 19, 2007

REGISTERED MAIL

Don Whitehouse
Washington State Department of Transportation
Post Office Box 12560
Yakima, WA 98909-2560

RE: Water Quality Certification Order No. 4484 and for Corps Reference No. 200400534, to construct a temporary work platform adjacent to the old SR 24 Bridge across the Yakima River, located in Yakima County, Washington.

Dear Mr. Whitehouse:

On June 5, 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 construction of a temporary demolition work bridge adjacent to the old SR 24 bridge over the Yakima River in Yakima County, Washington. Ecology issued a public notice on June 7, 2007 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 Kerry Carroll, Ecology's Federal Project Coordinator for this project at 360-407-7503 or via e-mail at kstr461@ecy.wa.gov. The enclosed Order may be appealed by following the procedures described in the Order.

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

Enclosure

e-cc: Richard Pratt – Corps of Engineers
Penny Keys – HQ
Loree' Randall – HQ

<p>IN THE MATTER OF GRANTING A WATER QUALITY CERTIFICATION TO Washington State Department of Transportation in accordance with 33 U.S.C. 1341 (FWPCA § 401), RCW 90.48.120, RCW 90.48.260 and Chapter 173-201A WAC</p>	<p>) ORDER #4484) Corps Reference #200400534) Construct a temporary work platform adjacent to) the old SR 24 Bridge across the Yakima River) located in Yakima County, Washington.</p>
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TO: Washington State Department of Transportation
 Don Whitehouse
 PO Box 12560
 Yakima, WA 98909-2560

On June 5, 2007 the Washington State Department of Transportation (WSDOT) submitted a Joint Aquatic Resources 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 of Chapter 173-225 WAC on June 7, 2007.

The proposed project entails construction of a temporary demolition work bridge adjacent to the old SR 24 Bridge. Fill material needs to be temporarily placed below ordinary high water mark (OHW) to construct an access ramp to the east side of an island in the river. Although the ramp will be placed completely in the dry, a portion of the island is below the OHW. Therefore, approximately 15 to 20 cubic yards of clean 3 to 8 inch quarry spalls will be placed below OHW to construct the ramp. No material will be placed in the flowing water of the Yakima River. Upon completion, all ramp material will be removed, and the site will be restored according to the overall restoration plan submitted with the original JARPA application. The project is located on SR 24 between MP .15 and MP 1.53, Yakima, Yakima County, Washington 98909. Section 28, Township 13N, Range 19E, WRIA# 37.

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:

- A1. For purposes of this Order, the term "Applicant" shall mean Washington State Department of Transportation, and its agents, assignees and contractors.
- A2. For purposes of this Order, all submittals required by its conditions shall be sent to Ecology's Headquarters, Attn: Federal Project Coordinator, PO Box 47600, Olympia, WA 98504. Any submittals shall reference Order #4484 and Corps #200400534.
- A3. Work authorized by this Order is limited to the work described in the JARPA received by Ecology on June 5, 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.
- A4. 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.
- A5. This Order does not exempt, and is provisional upon compliance with other statutes and codes administered by federal, state, and local agencies.

- A6. 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.
- A7. 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.
- A8. 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.
- A9. 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.
- A10. 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

B1. This Order is valid until though June 15, 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.

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

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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 June 1st, 2007 at Lacey, Washington.



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

ATTACHMENT A

**Washington State Department of Transportation
Water Quality Certification Order #4484**

**Statement of Understanding of
Water Quality Certification Conditions**

I have read and understand the conditions of Order #4484 Section 401 Water Quality Certification for the SR 24 to 1-82 Temporary Work Ramp Project. I have also read and understand all permits, plans, documents, and approvals associated with the SR 24 to 1-82 Temporary Work Ramp Project referenced in this order.

Signature

Date

Title

Company

