



STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY

Northwest Regional Office • 3190 160th Avenue SE • Bellevue, Washington 98008-7452 • (425) 649-7000

September 3, 2004

REGISTERED MAIL

RR 359 893 156 US

Mr. Garrett Farrell
Project Manager
Seattle Dept. of Parks and Recreation
800 Maynard Ave. S., 3rd Floor
Seattle, WA 98134-1336

Dear Mr. Farrell:

RE: **Order # 1582**
U.S. Army Corps of Engineers # 200301264
Water Quality Certification for redevelopment of the motorized boat launch at Sand Point Magnuson Park, Seattle, King County, Washington.

The request for certification for proposed work in and adjacent to Lake Washington 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 Alice Kelly at (425) 649-7145. Written comments can be sent to her at the Department of Ecology, 3190 – 160th Ave. SE, Bellevue, WA 98008. The enclosed Order may be appealed by following the procedures described in the Order.

Sincerely,

Jeannie Summerhays
Section Manager
Shorelands and Environmental Assistance Program

Enclosure

JS:AK:rc

cc: Suzanne Skadowski – Corps of Engineers
Yvonne Oliva – Ecology
Holly Mergler – Anchor Environmental



IN THE MATTER OF GRANTING A)	ORDER # 1582
WATER QUALITY)	U.S. Army Corps of Engineers # 200301264
CERTIFICATION TO)	Upgrade to the Sand Point Magnuson Park
Seattle Dept. of Parks and Recreation)	motorized boat launch; replace and extend two
in accordance with 33 U.S.C. 1341)	concrete boat ramps, replace decking of 3 fixed
FWPCA § 401, RCW 90.48.260 and)	piers, construct new floating dock, at Seattle,
Chapter 173-201A WAC)	Washington.

TO: Garrett Farrell
Project Manager
Seattle Dept. of Parks and Recreation
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Seattle, WA 98134-1336

On March 3, 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 proposed project entails redevelopment of the Sand Point Magnuson Park motorized boat launch. Two existing concrete boat ramps will be replaced and extended, decking and railing of three timber fixed piers will be replaced, five timber piles will be replaced with steel piles, and a new floating dock with six steel piles will be constructed.

The proposal includes mitigation by restoring approximately 70 feet of shoreline at Sand Point Magnuson Park to provide improved juvenile salmonid habitat. Approximately 141 cubic yards of concrete rubble and existing fill will be excavated, slope will be reduced from 3:1 to 8:1, 91 cubic yards of gravel and pea gravel will be placed, and the area will be revegetated with native trees and shrubs.

AUTHORITIES:

For purposes of this Order, the term “Applicant” shall mean Seattle Dept. of Parks and Recreation and its agents and contractors.

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 investigated this application pursuant to the following:

1. 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
2. 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 # 1582 AND WATER QUALITY CERTIFICATION:

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 Seattle Department of Parks and Recreation subject to the following conditions:

A. No Impairment of Water Quality:

A1. Lake Washington is classified as Lake Class [WRIA #8] waters of the state. Certification of this proposal does not authorize Seattle Department of Parks and Recreation to exceed applicable state water quality standards (Chapter 173-201A 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.

B. Project Mitigation:

B1. Impacts to aquatic resources shall be mitigated through measures described in the following documents, except as modified by this Order:

- Motorized Boat Launch JARPA Addendum, Memorandum by Anchor Environmental dated May 10, 2004. Plantings shall be maintained as necessary for three (3) years to ensure 80% or greater survival.

C. Construction:

C1. Construction Stormwater and Erosion Control: 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.*, detention areas, filter fences, etc.), shall be in place before starting clearing, filling, excavating, and grading work at the impact sites, and shall also comply with all requirements of any NPDES construction permit, if required.

C2. Silt curtains shall be used when excavating, grading, or depositing material below ordinary high water mark of Lake Washington.

C3. All demolition and construction debris shall be disposed at an approved upland disposal site.

- C4. 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.
- C5. 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 Lake Washington or storm drains.
- C6. The Applicant shall provide notice to Ecology's Alice Kelly at least 3 days prior to the start of construction. Notification can take place by e-mail to akel461@ecy.wa.gov, telephone to (425) 649-7145, fax to (425) 649-7098, or in writing.
- C7. Clean Fill Criteria: The applicant shall ensure that fill (gravel, rock) placed for the proposed project does not contain toxic materials in toxic amounts.

D. Emergency/Contingency Measures:

- D1. In the event the Applicant is unable to comply with any of the permit terms and conditions due to any cause, the permittee 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 (425) 649-7000, and within 24 hours to Ecology's Alice Kelly at (425) 649-7145.
 - 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.

Compliance with this condition does not relieve the applicant from responsibility to maintain continuous compliance with the terms and conditions of this Order or the resulting liability from failure to comply.

- D2. 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 Lake Washington.

E. Other Permits and Approvals:

- Hydraulic Project Approval (HPA) Log No. ST-F8492-02 issued on July 12, 2004.

F. General Conditions:

- F1. For purposes of this Order, the term "Applicant" shall mean Seattle Department of Parks and Recreation and its agents, assigns, and contractors.
- F2. This certification does not exempt and is provisional upon compliance with other statutes and codes administered by federal, state, and local agencies.
- F3. The applicant 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.
- F4. This water quality certification shall remain in effect for a period of five years from the date of issuance. However, Ecology reserves the right to reassess the terms of this water quality certification and amend or revoke, as necessary, in the event that new sources of potential contamination are discovered or discharged, or new information indicates that the authorized activities are having a significant adverse impact on water quality or characteristic uses.
- F5. The Applicant 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.
- F6. 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, the applicant shall ensure that project managers, construction superintendents, and other responsible parties have read and understand relevant aspects of this Order, the NPDES permit if applicable, and any subsequent revision or Ecology-approved plans.
- F7. 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, or to ensure that conditions of this Order are being met.
- F8. 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), or if additional conditions are necessary to further protect the public interest.

- F9. 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, Shorelands and Environmental Assistance Program, 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 9/2/04 at Bellevue, Washington.



Jeannie Summerhays, Section Manager
Shorelands and Environmental Assistance Program
Department of Ecology
State of Washington