



STATE OF WASHINGTON  
DEPARTMENT OF ECOLOGY

Northwest Regional Office • 3190 160th Avenue SE • Bellevue, Washington 98008-5452 • (425) 649-7000

July 17, 2007

**REGISTERED MAIL**  
RB 670 438 982 US

Island County Public Works  
Attn: Matt Nash  
P.O Box 5000  
Coupeville, WA 98239

RE: Water Quality Certification Order #4615 and Coastal Zone Management Consistency Determination for U.S. Army Corps of Engineers (Corps) Reference #200601433, Island County Public Works (Island County): Cavelero County Park Boat Ramp and Stormwater Outfall Replacement Project, Port Susan, Camano Island, Island County, Washington

Dear Mr. Nash:

On June 11, 2007 the Washington State Department of Ecology (Ecology) received a Joint Aquatic Resources Permit Application (JARPA) from Island County 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 Chapter 173-225 WAC on June 22, 2007.

On behalf of the State of Washington, through the enclosed Order, Ecology certifies that the work described in the original JARPA submitted on June 11, 2007, and in the public notice (June 22, 2007) 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.

Also, on June 11, 2007, Ecology received a Certification of Consistency with the Washington State Coastal Zone Management Program (CZMP) form from Island County for this project. Pursuant to Section 307(c)(3) of the Coastal Zone Management Act of 1972 as amended, Ecology concurs with Island County's determination that the proposed work is consistent with Washington's CZMP. This concurrence is based upon Island County's compliance with all applicable enforceable policies of the CZMP, including Section 401 of the CWA.



Island County Public Works

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If you have any questions, please contact Cynthia Walcker, Federal Permit Coordinator at (425) 649-4318 or [cynt461@ecy.wa.gov](mailto:cynt461@ecy.wa.gov). The enclosed Order may be appealed by following the procedures described in the Order.

Sincerely,



Geoff Tallent  
Northwest Regional Office  
Shorelands and Environmental Assistance Program

GT:csw:cja

Enclosure

cc: Susan Powell, U.S. Army Corps of Engineers

e-cc: Penny Keys – Ecology, HQ  
Loree' Randall – Ecology, HQ  
Erik Stockdale, Ecology, NWRO

<p><b>IN THE MATTER OF GRANTING A WATER QUALITY CERTIFICATION TO Island County Public Works in accordance with 33 U.S.C. 1341 (FWPCA § 401), RCW 90.48.120, RCW 90.48.260 and Chapter 173-201A WAC</b></p>	<p>) <b>ORDER #4615</b> ) <b>Corps Reference No. 200601433</b> ) Replace an existing boat ramp while ) incorporating a 30” stormwater trunk drain. ) Move existing outfall pipe 220-feet south of its ) current location, Cavelero County Park, Port ) Susan, Camano Island, Island County, ) Washington.</p>
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TO: Island County Public Works  
 Attn: Matt Nash  
 P.O Box 5000  
 Coupeville, WA 98239

On June 11, 2007, Island County Public Works (Island County) 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 22, 2007.

The proposed project entails replacing an existing boat ramp with a new boat ramp within the same footprint while incorporating a new stormwater outfall trunk drain. The existing stormwater outfall will be relocated 220-feet south of its current location. The project site is located in Cavelero County Park on Camano Island, Port Susan Bay, Island County, Washington. Section 18, Township 31 North, Range 03 East, Island Water Resource Inventory Area (WRIA #6).

The project proposes to replace an existing 12-foot wide by 95-foot long concrete boat ramp while integrating a new stormwater 30-inch-diameter trunk drain. The existing boat ramp will be demolished using an excavator and possibly a jackhammer. All materials associated with the demolition will be disposed of at an off-site licensed facility. Boat ramp construction methods will include predominantly cast-in-place concrete or a combination of cast-in-place concrete in the upper portions of the ramp and pre-cast panels in the lower sections. During construction the work area will be isolated from Puget Sound using a sandbag dike/cofferdam that will remain in-place until the concrete is completely cured.

Water flowing through the new stormwater trunk drain will be routed into a transition vault with a beveled profile. The top of the vault will be covered with traffic-bearing metal grates. Stormwater will flow beneath the vault grates and along shallow grooves or channels on the boat ramp surface. At low tide, stormwater will run the full length of the remaining ramp and end at the foot of the ramp. A gabion mattress made of four to six-inch cobbles or a riprap pad will be installed to receive stormwater from the center of the ramp and disperse it into the surrounding sand. At higher tides, stormwater from the ramp will discharge directly into Port Susan.

Additionally, the relocated stormwater outfall system will treat all flow using a Stormwater 360 Vortech hydrodynamic separator to remove sediment and other floatable materials. The separator will also remove free and emulsified oil and grease from flows up to the 2-year storm event.

#### **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**

1. For purposes of this Order, the term "Applicant" shall mean Island County, and their agents, assignees and contractors.
2. For purposes of this Order, all submittals required by its conditions shall be sent to the Washington State Department of Ecology, Northwest Regional Office, Attn: 401/CZM

Federal Permit Coordinator, 3190 160<sup>th</sup> Avenue SE, Bellevue, WA 98008-5452. Any submittals shall reference Order No. 4615 and Corps No. 200601433.

3. Work authorized by this Order is limited to the work described in the JARPA received by Ecology on June 11, 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.
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 does not exempt, and is provisional upon compliance with other statutes and codes administered by federal, state, and local agencies.
6. 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.
7. The Applicant shall provide access to the project site upon request by Ecology personnel for site inspections, monitoring, necessary data collection, and/or to ensure that conditions of this Order are being met.
8. 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.
9. 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.
10. 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.
11. 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. Water Quality**

1. This Order does not authorize temporary exceedances of the turbidity standard beyond the limits established in WAC 173-201A-210(1)(e)(i)(D).

### **C. Construction Conditions**

1. 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 (BMP's) 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.

### **D. Timing Requirements**

1. This Order is valid until April 13, 2009.

### **E. Notification Requirements**

1. The Applicant shall provide written notification (FAX: 425-649-7098, e-mail: [cynt461@ecy.wa.gov](mailto:cynt461@ecy.wa.gov)) or mail to Ecology's 401/CZM Federal Permit Coordinator, Northwest Regional Office, 3190 160<sup>th</sup> Avenue SE, Bellevue, WA 98008-5452, in writing at least three (3) days prior to the start of construction at the project site.
2. The Applicant shall provide written notification to Ecology's Northwest 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.

### **F. 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 24-Hour Spill Response Team at 1-800-258- 5990 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 24-Hour Spill Response Team at 1-800-258-5990.

## G. Appeal Process

You have a right to appeal this Order. To appeal this Order you must:

- File your appeal with the Pollution Control Hearings Board within 30 days of the "date of receipt" of this document. Filing means actual receipt by the Board during regular office hours.
- Serve your appeal on the Department of Ecology within 30 days of the "date of receipt" of this document. Service may be accomplished by any of the procedures identified in WAC 371-08-305(10). "Date of receipt" is defined at RCW 43.21B.001(2).

Be sure to do the following:

- Include a copy of this document that you are appealing with your Notice of Appeal.
- Serve and file your appeal in paper form; electronic copies are not accepted.

### 1. To file your appeal with the Pollution Control Hearings Board

Mail appeal to:

The Pollution Control Hearings Board  
P.O. Box 40903  
Olympia, WA 98504-0903

OR

Deliver your appeal in person to:

The Pollution Control Hearings Board  
4224 – 6th Ave SE Rowe Six, Bldg 2  
Lacey, WA 98503

### 2. To serve your appeal on the Department of Ecology

Mail appeal to:

The Department of Ecology  
Appeals Coordinator  
P.O. Box 47608  
Olympia, WA 98504-7608

OR

Deliver your appeal in person to:

The Department of Ecology  
Appeals Coordinator  
300 Desmond Dr SE  
Lacey, WA 98503

### 3. And send a copy of your appeal to:

Order #4615, Corps Reference #200601433

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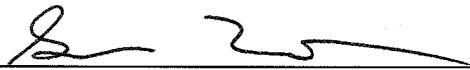
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Cynthia Walcker, Federal Permit Coordinator 401/CZM  
Department of Ecology  
Northwest Regional Office  
3190 160<sup>th</sup> Avenue SE  
Bellevue, WA 98008-5452

*For additional information visit the Environmental Hearings Office Website: <http://www.eho.wa.gov>  
To find laws and agency rules visit the Washington State Legislature Website:  
<http://www1.leg.wa.gov/CodeReviser>*

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 July 17, 2007 at Bellevue, Washington.

  
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Geoff Tallent, Section Manager  
Shorelands and Environmental Assistance Program  
Department of Ecology, Northwest Regional Office  
State of Washington