



STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY
PO Box 47600 • Olympia, WA 98504-7600 • 360-407-6000
TTY 711 or 800-833-6388 (For the Speech or Hearing Impaired)

June 17, 2005

REGISTERED MAIL

Ben Brown
Department of Transportation
Northwest Region
P.O. Box 330310
Seattle, WA 98133-9710

RE: Water Quality Certification Order No. 2474 (Corps Public Notice 20040024). WSDOT is proposing to widen 2.4 miles of SR 202 from the SR 520 interchange to SahaLee Way NE in King County, Washington for the purpose of improving safety, relieving congestion, and serving anticipated growth in the area.

Dear Mr. Brown:

The public notice from the U.S. Army Corps of Engineers for proposed work in or near Evans Creek, King County has been reviewed. On behalf of the State of Washington, we certify that the work proposed in the application for Department of Army permit, and Corps public notice complies 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 concurrence is subject to the conditions contained in the enclosed Order.

If you have any questions, please contact Penny Kelley at (360) 407-7298. 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".

Brenden McFarland, Section Manager
Environmental Review and Transportation Section
Shorelands and Environmental Assistance Program

BM:pk
Enclosure



Department of Transportation
SR 202: SR 520 to Sahalee Way
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cc: Kim Harper, Ecology
Jerry Shervey, Ecology
Penny Keys, Ecology
Kate Stenberg, Corps of Engineers
Jim Fraser, Department of Fish & Wildlife
Pat Klavas, Department of Fish & Wildlife
Dan Hagglund, Department of Transportation
Christina Martinez, Department of Transportation
Ed Johnson, Department of Transportation

IN THE MATTER OF GRANTING)	Docket # 2474
A WATER QUALITY)	Widen SR 202 from MP 8.35 to MP
CERTIFICATION TO)	10.45, replace 2 bridges, construct 1
Washington Department of Transportation)	bridge, improve 5 culverts, and
in accordance with 33 U.S.C. 1341)	construct stormwater facilities and a
FWPCA § 401, RCW 90.48.260)	floodplain mitigation site.
RCW 90.48.120 and WAC 173-201A)	

TO: Department of Transportation
 Attn: Ben Brown
 Seattle, WA 98133-9710

On May 17, 2004, a request for water quality certification from the State of Washington was submitted for the above-referenced project pursuant to the provisions of 33 U.S.C. 1341 (FWPCA § 401). The request for certification was made available for public review and comment through the Corps of Engineers' Public Notice No. 20040024.

The proposed project entails widening SR 202 from SR 520 to Sahalee Way NE (MP 8.35 to MP 10.45). To accommodate the new width, two bridges will be replaced, one bridge will be constructed, and five culverts will be improved. In addition, a drainage treatment facility and a floodplain fill mitigation site will be constructed. The roadway widening, stormwater treatment facilities, and associated floodplain fill mitigation will result in 1.47 acres of permanent direct wetlands impact. Additionally, the project will result in 0.15 acres of permanent indirect impacts to wetlands due to shading by expanded bridges. Improvement of the culverts will result in work within the ordinary high water mark and a temporary stream diversion in the unnamed tributary to Evans Creek. Replacement of the two bridges will result in work within the ordinary high water mark and impacts to the stream bank of Evans Creek. The proposed project is located adjacent to, or crosses Evans Creek and its Unnamed Tributary in Section 7, 17, and 18, Township 25 North, Range 6 East, King County. Mitigation for the stream impacts due to culvert improvement and bridge construction will entail restoring stream banks, enhancing riparian habitat, and relocating an unnamed tributary to Evans Creek from a roadside ditch into an improved channel on the Happy Valley mitigation site. Mitigation for the wetland fill and excavation impacts include creation of 8.07 acres of new wetland and enhancement of 2.52 acres of existing wetland at two mitigation sites within the project area. Mitigation for wetland and stream buffer impacts includes enhancement of 8.07 acres of buffer area on the two mitigation sites.

For the purposes of this Order, the term "Applicant" shall mean the Washington State Department of Transportation (WSDOT) and its agents, assigns, and contractors.

AUTHORITIES:

In exercising authority under 33 U.S.C. 1341, RCW 90.48.120 and RCW 90.48.260, the Department of Ecology (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, 302, 303, 306, and 307);
2. Conformance with the state water quality standards that 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 90348.010.

WATER QUALITY CERTIFICATION CONDITIONS:

In view of the foregoing and in accordance with 33 U.S.C 1341, RCW 90.48.120, 90.48.260 RCW and Chapter 173-201A WAC, certification is granted to the Washington Department of Transportation (WSDOT) Northwest Region subject to the following conditions:

A. Water Quality Standard Conditions:

1. This reach of Evans Creek and its unnamed tributary (WRIA 8) are Class AA waters of the state. Certification of this proposal does not authorize the Applicant to exceed applicable state water quality standards (173-201A WAC) or sediment quality standards (173-204 WAC). Water quality criteria contained in 173-201A-030(1) WAC and 173-201A-040 WAC 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 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.
2. This reach of Evans Creek and its unnamed tributary have been identified on the current 303(d) list as exceeding state water quality standards for fecal coliform. This proposed project shall not result in further exceedances of this standard.

B. Timing:

1. This Order is valid until all compliance requirements in this document have been met.
2. The Applicant shall reapply with an updated application if the information contained in the Corps of Engineers Public Notice and Joint Aquatic Resources Permit Application (JARPA) submitted on May 17, 2004 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.

C. Notification Conditions:

1. Notification shall be made to Ecology's Federal Permit Manager (Penny Kelley at 360/407-7298, Fax 360/407-6904, email pke461@ecy.wa.gov or mail P.O. Box 47600, Olympia, WA 98504-7600) for the following activities:
 - at least 10 days prior to the pre-construction meeting,
 - at least 7 days prior to the onset of any work on site,
 - at least 7 days prior to construction of the Happy Valley & Turtle mitigation sites,
 - at least 7 days prior to commencing stream realignment for the unnamed tributary,
 - at least 7 days prior to the start of bridge replacement work,
 - immediately following a violation of the state water quality standards or condition of this Order.

NOTE: These notifications shall include the Applicant's name, project name, project location, the number of this Order, contact and contact's phone number.

2. The Applicant shall ensure that all appropriate Project Engineer and the Contractors at the project site and/or mitigation sites have read and understand relevant conditions of this Order and all permits, approvals, and documents referenced in this Order. The Applicant shall provide to Ecology a signed statement (see Attachment A #2474 for an example) from each Project Engineer and Contractor that they have read and understand the conditions of this Order and the above-referenced permits, plans, documents and approvals. These statements shall be provided to Ecology no less than 7 days before construction begins at the project or mitigation site.

D. Water Quality Monitoring, Sampling and Reporting:

The Applicant shall submit a Water Quality Monitoring Plan to the Department of Ecology 30 days prior to beginning construction. This plan shall include the following information:

- name and phone number of person responsible for monitoring;
- map of sample locations and example field recoding form;
- sample and analysis method including analysis equipment;
- sample frequency based on anticipated project schedule for in-water work;
- an example monthly summary sheet

The Applicant shall monitor the receiving water, Evans Creek, to ensure compliance with water quality standards. Water quality sampling, analyses, and reporting procedures shall be carried out in accordance with Appendix 6B of the 2004 WSDOT Highway Runoff Manual (HRM). The Applicant shall monitor receiving waters for turbidity and pH. Additionally, the Applicant shall monitor for Total Petroleum Hydrocarbons at any time a sheen is visible or any surface water on the site.

Turbidity in the receiving water shall not exceed 5 nephelometric turbidity units (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. pH shall be in the range of 6.5 to 8.5 with a human-caused variation of less than 0.2 units. Total Petroleum Hydrocarbon concentrates shall be less than 5 mg/L.

For pH and turbidity monitoring, representative samples shall be collected from Evans Creek at upstream and downstream stations. Sampling locations shall be located, mapped, and marked in accordance with the HRM appendix 6B. Sampling frequency shall be daily while in-water work or over water work is occurring on Evans Creek. All other sampling frequency shall be in accordance with requirements for "High-risk erosion control projects" in HRM appendix 6. Total Petroleum Hydrocarbon sampling shall be taken at the discharge location into Evans Creek nearest to the location of the petroleum sheen.

A report summarizing the monitoring results shall be submitted monthly to Ecology's Federal Permit Manager (Penny Kelley). The monitoring results can be faxed to her attention at 360/407-6904 or by email at pkel461@ecy.wa.gov.

E. Construction Conditions:

1. The Applicant shall submit a Temporary Erosion and Sediment Control (TESC) Plan 30 days prior to beginning construction for review. If the TESC is modified by the contractor, a copy of the modified plan shall include the following information:
 - a. TESC Plan
 - Name and phone number of person responsible for implementing plan;
 - Best management practices (BMP's) anticipated to be implemented;
 - Frequency of BMP inspections; and
 - Contingency plan in the event of adverse weather condition or other foreseeable undesirable conditions.
2. The Applicant shall comply with the current Construction NPDES permit issued for this project.
3. The project shall be clearly marked/staked prior to construction. Clearing limits, travel corridors and stockpile sites shall be clearly marked. Sensitive areas, buffers, and wetlands that are to be protected from disturbance shall be marked with orange construction fencing so as to be clearly visible to equipment operators. Equipment shall enter and operate only within the delineated clearing limits, corridors and stockpile areas.
4. Temporary impacts to wetlands, wetland buffers, and stream buffers shall be limited to the amount necessary for construction. These disturbed areas shall be adequately protected from erosion using mulch or equivalent for the duration of the project and within seven (7) days of the project completion. If erosion control seed mixes are used in these areas, they shall consist of native species unless otherwise approved by modification to this Order. These disturbed areas shall be adequately protected from erosion using mulch or equivalent for the duration of the project and within seven (7)

days of the project completion. If erosion control seed mixes are used in these areas, they shall consist of native species unless otherwise approved by modification to this Order.

5. Work in or near waters of the state shall be done so as to minimize turbidity, erosion, and other water quality impacts.
6. The Applicant shall follow and implement all specifications for erosion and sediment control specified in the contract documents. Adjustments to planned erosion and sediment control may be necessary to successfully control off-site movement of material not covered under this modification.
7. Erosion control devices (e.g., filter fences, hay bales, etc.) suitable to prevent exceedance of state water quality standards shall be in place before starting project construction and shall be maintained throughout construction.
8. 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.
9. Construction (clearing, grubbing, excavation, borrow, fill etc.) within the project area shall never expose more than 25 acres of disturbed ground at one time.
10. Temporary impacts to vegetation shall be limited to the amount necessary for construction. Bare soils in these areas shall be adequately protected from erosion for the duration of the project and replanted with suitable erosion control seed mix within 7 days after project completion.
11. All debris, excess excavated material or deleterious material resulting from construction shall be removed from the construction site, and properly disposed of above the 100 year floodplain so that it cannot enter waters of the state including wetlands.
12. Turbid dewatering water shall not be discharged directly to waters of the state. Turbid water shall be pumped to an upland area to allow the sediment to settle. The discharge from the upland areas shall meet the water quality criteria at the point of discharge into surface waters.
13. Clean de-watering water that has been tested and confirmed to meet water quality standards may be discharged directly to waters of the state. The discharge outfall method shall be designed and operated so that not to cause erosion or scour in the stream channel, banks, or vegetation.
14. Staging areas will be located a minimum of 50 feet and where practicable 200 feet from waters of the state including wetlands.

15. Machinery and equipment used during construction shall be serviced, fueled and maintained on uplands in order to prevent contamination to surface waters. All fueling areas shall be provided with adequate spill containment. Fueling equipment and vehicles within 50 feet of state waters and wetlands is not allowed.
16. Equipment used for in-water work shall be free of external petroleum-based products while working around waters of the state and shall be checked daily for leaks. Any necessary repairs shall be completed prior to commencing work activities.
17. Wash water containing oils, grease, or other hazardous materials resulting from wash down of equipment or working areas shall not be discharged into state waters. The applicant shall set up a designated area for washing down equipment.
18. A separate area shall be set aside, which does not have any possibility of draining to surface water and wetlands for the wash out of concrete delivery trucks, pumping equipment, and tools.
19. A contingency plan shall be developed detailing actions to be made in the event of adverse weather conditions or other foreseeable undesirable conditions.

Culvert Extension, Removal & Replacement

20. The construction contractor shall use all reasonable measures to minimize the impacts of the culvert removal work to waters of the state. Water quality constituents of particular concern are turbidity, suspended sediment, oil, grease and pH. The WSDOT and WSDOT contractors shall implement all specifications for erosion and sediment control specified in the Stormwater Site Plan, TESC and all contract documents. Adjustments to planned erosion and sediment control may be necessary to successfully control off-site movement of materials.
21. Culvert work shall be conducted in the dry or in isolation from waters of the state.
22. Re-introduction of water to the channel will be done gradually and in stages so as to minimize the mobilization of sediments and fines into downstream waters.
23. All construction debris and culvert removal material shall be properly disposed of to prohibit its entrance into waters of the state including wetlands. Any incidental debris should be removed from the water immediately.
24. Temporary sediment traps shall be cleaned out and the settled sediments removed from the stream channel before removing the stream diversion system and returning the flow of the Evans Creek and its tributaries to its natural channel. Settled sediments shall not be allowed to enter Evans Creek and its tributaries due to water or runoff flows that may occur after construction is completed.

25. If culvert extension, removal and replacement work involves concrete pouring all concrete shall be poured during dry weather and in the dry uplands or a dry de-watered site. If this is not possible, the concrete process water shall not enter waters of the state or the adjacent bank. All concrete shall be completely cured prior to coming into contact with state waters. Fresh uncured concrete indirect contact with the water is toxic to aquatic life. Any contact water from a confined area with curing concrete shall be discharged to upland areas with no uncontrolled or untreated discharges to surface water.

Bridge Removal & Replacement

26. All construction debris resulting from the removal of bridge 202/46 and 202/47 on SR 202 over Evans Creek shall be properly disposed of to prohibit its entrance into waters of the state. Incidental debris shall be removed from Evans Creek.
27. If bridge removal activities involve saw cutting of concrete, containment methods are required to control and contain all saw-cut water and debris. The saw-cut water shall be disposed of upland with no possibility of entry to Evans Creek or waters of the state. All debris shall be properly disposed of to prohibit its entrance into waters of the state.
28. Methods shall be used to divert flow around or isolate the work area from Evans Creek for bridge removal activities that occur in and adjacent to Evans Creek.
29. Fresh concrete or concrete by-products will to be allowed to enter Evans Creek at any time during the bridge construction. All forms used for concrete shall be completely sealed to prevent the possibility of fresh concrete entering into Evans Creek.
30. If temporary work platforms are needed during bridge removal and/or construction, any wooden components used for the construction of temporary work platforms, if composed of pressure treated wood, shall comply with all current best management practices as contained in the "Western Wood Preservers Institute's" latest edition of the "Best Management Practice for Use of Treated Wood in Aquatic Environments."
31. Measures shall be used to minimize disturbance of vegetation when constructing the temporary work platforms.
32. All disturbed areas resulting from bridge removal and construction of new bridges shall be adequately stabilized within seven (7) days after bridge work is completed so as to prevent erosion or sediment debris from entering a water of the state, including wetlands.

Stream Re-alignment

33. New backwater channel construction shall be in isolation from the stream until all grading is completed. Then the final excavation may be made to connect the new backwater channel to the stream.

34. The final excavation of the connection of the new backwater channel to the stream shall occur in isolation from the flowing stream within a temporary coffer dam constructed of clean materials (gravel bags, sheeting, etc.).
35. Dredged materials from the new backwater channel and adjacent slopes shall be disposed of at disposal sites approved by the appropriate regulatory authority so they will not re-enter state waters or create water quality problems.
36. Upon completion of the excavation for the new backwater channel and adjacent slopes, disturbed slopes immediately adjacent to the new channel shall be stabilized within (7) days of completing stream realignment work and prior to introduction of the unnamed tributary to the new channel.

F. Wetland & Stream Mitigation Conditions:

1. Impacts to aquatic resources shall be mitigated as described in the Final Wetland & Stream Mitigation Plan (hereafter referred to as "mitigation plan"), prepared by Entranco, Inc., dated May 2005 and approved by Ecology on May 26, 2005, except as modified by this Order.
2. Any changes to the mitigation plan must be approved in writing by Ecology.
3. Excess mitigation credit from the Turtle and/or Happy Valley mitigation sites may be applied in the future only to the following two projects, as requested by WSDOT: SR 202 224th Avenue NE Signal & Channelization, and SR 520 West Lake Sammamish Parkway to SR 202 (Stage 3). Use of the excess mitigation credits as compensation for these projects are subject to Ecology Review and written approval. No other projects shall use mitigation credit from these mitigation sites.

Mitigation Construction

4. Compensatory mitigation construction and installation shall occur prior to, or concurrently with, project impacts to wetlands.
5. Appropriate and effective BMPs shall be installed adjacent to any surface water body on the mitigation sites prior to commencing earthwork so as to minimize erosion, turbidity, and other water quality impacts.
6. At the mitigation sites, the Applicant shall follow and implement all measures for erosion and sediment control specified in the contract documents.
7. All excess excavated material from the mitigation sites shall be disposed of above the 110-year floodplain and in an appropriate location outside of sensitive areas and their buffers, and shall be stabilized or contained so as to prevent its entry into waters of the state.

8. No material shall be stockpiled within the wetlands or streams on the mitigation sites.
9. Appropriate BMPs shall be implemented to minimize track-out during construction at the mitigation sites.
10. All earth areas that have been exposed or disturbed on the mitigation sites shall be stabilized to prevent erosion by using mulch or equivalent such as seeding with a suitable erosion control seed mix consisting of native grasses and forbs within seven (7) days of completion of grading.
11. Upon completion of grading on the mitigation sites, and prior to planting, the Applicant shall provide written confirmation to Ecology that finished grades are consistent with the mitigation plan or other subsequent Ecology-approved modifications to grading plans.
12. An as-built report documenting the final design of the mitigation site shall be prepared when the mitigation site is completed. The report shall include the following:
 - a. Final site topography;
 - b. Photographs of the area taken from established permanent reference points;
 - c. A planting plan showing species, densities, sizes and approximate locations of plants, as well as plant sources and the dates of planting;
 - d. Habitat features (snags, large woody debris, etc.), and their locations if any;
 - e. Drawings in the report shall clearly identify the boundaries of the project;
 - f. Locations of sampling and monitoring sites; and
 - g. Any changes to the plan that occurred during construction.
13. The as-built report shall be sent to Ecology's Federal Permit Manager within 180 days of completing project construction and mitigation.

Mitigation Monitoring & Maintenance

14. All plantings at mitigation sites shall be watered and otherwise maintained as necessary to meet performance standards as stated in the mitigation plan.
15. When needed to meet the performance standards stated in the mitigation plan, dead or dying plants shall be replaced during the first available planting season with the same species or a native plant alternative that is appropriate for the location. The species, numbers and approximate locations of all replanted material shall be noted in the subsequent monitoring report.
16. The Applicant's inability to meet a particular performance standard (termed "performance measures" and "success standards" in the mitigation plan) during monitoring years 1 through 7 does not necessarily mean that the wetland site is unsuccessful. The Applicant shall present to Ecology the reasons for non-attainment. Ecology will determine whether remedial actions should be taken, additional wetland mitigation is needed, or the performance standard should be adjusted.

17. The Applicant shall comply with NPDES permit #WAG993000 for Aquatic Noxious Week Control if herbicides are selected to control invasive species at the mitigation sites. Methods used in areas within 20 feet of creeks shall be limited to localized application such as backpack sprayer or hand wicking. Application of herbicides shall occur only in dry weather.
18. Formal monitoring of the wetland mitigation sites shall be conducted for a minimum of 10 years, with monitoring performed in years 1, 3, 5, 7 and 10. Informal monitoring shall be conducted in year 2. If, at monitoring year 10, all required performance standards have not been met, the Ecology may require additional monitoring and/or additional wetland mitigation area. All monitoring reports shall be sent to Ecology's Federal Permit Manager.
19. Any changes to the wetland monitoring plan must be approved in writing by Ecology.

G. Emergency/Contingency Measures

1. The Applicant shall develop a spill prevention and containment plan for this project, and shall have spill cleanup materials 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, or onto land with a potential for entry into state waters, is prohibited. If these occur, the Applicant shall comply with IL 4055.00 Environmental Compliance Assurance Procedure for Construction Projects and Activities effective March 10, 2003 and immediately take the following actions:
 - a. Cease operations;
 - 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 and, 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 Northwest Regional Spill Response Office at 425/649-7000 and Department of Fish and Wildlife 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.
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 Northwest Regional Spill Response Office at 425/649-7000.

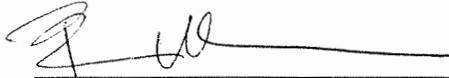
H. General Conditions:

1. 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.
2. This Order does not exempt and is conditioned upon compliance with other statutes and codes administered by federal, state and local agencies.
3. Ecology retains continuing jurisdiction to make modifications hereto through supplemental Order, if it appears necessary to further protect the public interest.
4. The Applicant shall construct and operate the project in a manner consistent with the project description contained in the Public Notice for certification, or a otherwise approved by Ecology.
5. The Applicant's representative shall be on-site, or on-call and readily accessible to the site, at all time while construction activities are occurring that may affect the quality of ground and surface waters of the state, including all periods of construction activities.
6. The Applicant's representative shall have adequate authority to ensure proper implementation of the Erosion and Sediment Control Plan, as well as immediate corrective actions necessary because of changing field conditions. If the Applicant's representative issues a directive necessary to implement a portion of the Pollution Control Plan or to prevent pollution to the river, all personnel on site, including the construction contractor and the contractor's employees, shall immediately comply with this directive.
7. The Applicant shall provide access to the project site and all mitigation sites upon request by Ecology or WDFW personnel for site inspections, monitoring, necessary data collection, or to ensure that conditions of this Order are being met.

8. Copies of this Order and all related permits, approvals, and documents shall be kept on the project site and readily available for reference by the project managers, construction managers and foremen, other employees and contractors of the Applicant, and state agency personnel.
9. 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.

Any person aggrieved by Order #2474 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, 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, Attn: Loree' Randall, P.O. Box 47600, Olympia, WA 98504-7600. These procedures are consistent with the provisions of Chapter 46.21B RCW and the rules and regulations adopted thereunder.

Dated June 17, 2005 at Olympia, Washington



Brenden McFarland, Section Manager
Environmental Review & Transportation Section
Shorelands and Environmental Assistance Program

Water Quality Certification #2474 Statement of Understanding

I, _____, state that, I will be involved as a WSDOT employee or an agent or contractor for Washington State Department of Transportation in widening of SR 202: SR 520 to Sahalee Way, MP 8.35 to MP 10.45 in King County, WA. I further state that I have read and understand the relevant conditions of Washington Department of Ecology **Water Quality Certification Order #2474** and the applicable permits and approvals referenced therein which pertain to the project-related work for which I am responsible.

Signature

Date

Company

Phone number

Address

City, State, and Zip Code

