STATE OF WASHINGTON

DEPARTMENT OF ECOLOGY

P.O. Box 47775 • Olympia, Washington 98504-7775 • (360) 407-6300

July 23, 2004

REGISTERED MAIL
RB252878284US
Delos and Judie Dunn
385 South Bay Lane
Port Ludlow, WA 98365

Dear Mr. and Mrs. Dunn:

RE: Water Quality Certification #1179 for Corps Reference Number 200300510 to construct a private stairway, pier, ramp, and float at Port Ludlow, Jefferson County, Washington

The public notice issued by U.S. Army Corps of Engineers on November 18, 2004, for proposed work in or near Port Ludlow, Jefferson 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.

Pursuant to Section 307(c)(3) of the Coastal Zone Management Act of 1972 as amended, Ecology concurs with the applicant's determination that this work is consistent with the approved Washington State Coastal Zone Management Program. This concurrence is based upon the applicant's compliance with all applicable enforceable policies of the Coastal Zone Management Program, including Section 401 of the Federal Water Pollution Control Act.

- This certification and concurrence is subject to the conditions contained in the enclosed Order.

This letter also serves as the State response to the Corps of Engineers.

If you have any questions, please contact Jo Sohneronne at (360) 407-6926. Written comments can be sent to her at the Department of Ecology, SWRO, PO Box 47775, Olympia, WA 98504-7775. The enclosed Order may be appealed by following the procedures described in the Order.

Sincerely,

Jo Sohneronne

Jo Sohneronne, Acting Unit Supervisor
Southwest Regional Office
Shorelands and Environmental Assistance Program

PL:js
Enclosure

cc: Ms. Emese Kiss, Ecodecisions Environmental Services
Jack Kennedy, US Army Corps of Engineers, Seattle District
Randi Thurston, WSDFW Region 6
Jefferson County Department of Community Development

IN THE MATTER OF GRANTING	)	**ORDER 04SW1179**
A WATER QUALITY	)	U.S. Army Corps of Engineers
CERTIFICATION TO	)	Reference No. 200300510
DELOS AND JUDIE DUNN	)	Construct two concrete anchor blocks for a
in accordance with 33 U.S.C. 1341	)	private pier, ramp, and float in Port Ludlow,
FWPCA § 401, RCW 90.48.260	)	Jefferson County, Washington
and WAC 173-201A	)	

TO: DELOS AND JUDIE DUNN
52 HERITAGE LANE
PORT LUDLOW, WA 98356

ATTN: MS. EMESE KISS
ECODECISIONS ENVIRONMENTAL SERVICES
11600 OLYMPIC VIEW DRIVE
BAINBRIDGE, WA 98110

On November 18, 2003, 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 involves construction of a stairway and pier, ramp, and float. The pier will be supported by two single steel piles, each flange mounted onto separate cast-in-place concrete anchor blocks, each composed of approximately 2 cubic yards of quick-setting concrete. The site is located at 385 South Bay Lane, Port Ludlow, Washington on Port Ludlow, a tributary to Admiralty Inlet, Jefferson County, Washington.

AUTHORITIES:

In exercising authority under 33 U.S.C. 1341, 16 U.S.C. 1456, and RCW 90.48.260, 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 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, certification is granted to Delos and Judie Dunn (applicant) subject to the following conditions:

D2. If the results of the monitoring shows that the water quality standards or project performance standards are not being met additional monitoring and mitigation maybe required.

E. Construction Conditions:

E1. Construction Stormwater and Erosion Control: Work in or near waters of the state shall be done so that it minimizes 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, silt fences, etc.), shall be in place before starting clearing, filling, and grading work at the impact sites.

E2. During clearing and filling at the project site, the Applicant shall take all necessary measures to minimize the alteration or disturbance of existing wetland and upland vegetation.

E3. No existing shoreline material (i.e., logs, rocks, gravel cobbles, woody debris or other bed material) shall be relocated or used as bulkhead armor, as fill, or for any other purpose except that bed material located exactly where new pilings and footings are to be placed may be relocated.

E4. Uncured concrete and concrete by-products shall be completely sealed off from the ordinary high water mark and wetted perimeter of Port Ludlow, totally contained using sealed forms or other leak-proof containment systems, and not allowed to contaminate or enter the ordinary high water mark or wetted perimeter of Port Ludlow.

E5. All construction debris shall be properly disposed of upland so that it cannot enter a waterway or wetland or cause water quality degradation to state waters.

E6. Wash water containing oils, grease, or other hazardous material 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.

E7. Any wooden dock components, piling, pier support, and other materials composed of pressure treated wood shall be professionally and commercially produced and chemically fixed in accordance with all current best management practices as contained in the Western Wood Preservers Institute's latest edition of "The Best Management Practices for the Use of Treated Wood in Aquatic Environments."

E8. No wood, metal, or concrete preservatives, paints, sealers, glues, epoxies, chemicals, or other substances harmful or toxic to fish or shell fish shall be applied to the pier system once it has been placed within or over the ordinary high water mark of Port Ludlow.

E9. Clean Fill Criteria: The Applicant shall ensure that fill used for the proposed project does not contain toxic materials in toxic amounts.

managers and foremen, other employees and contractors of the applicant, and state agency personnel.

G7. Ecology retains continuing jurisdiction to make modifications hereto through supplemental Order, if it appears necessary to further protect the public interest.

G8. 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.

G9. 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. The Applicant can appeal up to 30 days after receipt of the permit, and all others can appeal up to 30 days from the postmarked date of the permit. The 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, 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 23 July 2004 at Lacey, Washington

Jo Sohneronne

Jo Sóhneronne, Acting Unit Supervisor
Shorelands and Environmental Assistance Program
Department of Ecology – Southwest Regional Office