



STATE OF WASHINGTON

DEPARTMENT OF ECOLOGY

P.O. Box 47600 • Olympia, Washington 98504-7600
(360) 407-6000 • TDD Only (Hearing Impaired) (360) 407-6006

CERTIFIED MAIL

July 30, 2004

Ms. Linda Sollars and Mr. John Lincoln
22402 – 66th Ave W
Mountlake Terrace, WA 98043

RE: Water Quality Certification Order #1470 (Corps Public Notice 200300812)
Maintenance dredging in Hood Canal near the confluence of Rendsland Creek and Hood Canal
near Tahuya, Mason County, Washington

Dear Ms. Sollars and Mr. Lincoln:

The above-referenced public notice for proposed work in waters of the state has been reviewed in accordance with all pertinent rules and regulations. On behalf of the State of Washington, we certify that the work proposed in the 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.

Pursuant to Section 307(c) (3) of the Coastal Zone Management Act of 1972, as amended, Ecology concurs with the applicant's determination that the proposed work described in the public notice is consistent with the approved Coastal Zone Management Program of Washington State.

This certification is subject to the conditions contained in the enclosed Order and may be appealed by following the procedures described in the Order. If you have any questions concerning the content of the Order, please contact Helen Pressley at (360) 407-6076.

Sincerely,

Brenden McFarland, Section Supervisor
Environmental Coordination Section
Shorelands and Environmental Assistance Program

cc: Seattle Corps – Olivia Romano
Agent – Ms. Amy Leitman, 521 Snagstead Way, Pt Townsend WA 98368
Yvonne Oliva, Ecology
Linda Rankin, Ecology

DEPARTMENT OF ECOLOGY

In the Matter of Granting a)	ORDER No. 1470
Water Quality Certification)	(Corps Public Notice 200300812)
to: Ms. Linda Sollars and Mr. John Lincoln)	Maintenance dredging in Hood Canal
In Accordance with 33 U.S.C. 1341)	near the confluence of Rendsland
[FWPCA § 401], RCW 90.48.260, and)	Creek and Hood Canal near Tahuya,
WAC 173-201A)	Mason County, Washington.

On April 12, 2004, a request for water quality certification was made to the State of Washington 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 by inclusion in Corps Public Notice No. 200300812 dated April 12, 2004.

Work includes the maintenance dredging of an existing access channel. The proposed work consists of dredging an area up to 500 feet long and 30 feet wide to a depth of +3 feet Mean Low Lower Water (MLLW). Up to 1,200 cubic yards of sediments will be removed by a track-mounted excavator or rubber tired front end loader and placed as beach nourishment over a 250,000 square foot area in the adjacent upper intertidal area.

In exercising its authority under 33 U.S.C. 1341 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.
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.

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 Ms. Sollars and Mr. Lincoln (Applicants) with the following conditions:

1. Dredging and Disposal.

- a) All dredging is to be done using a track-mounted excavator or rubber tired front end loader. The use of any other type of dredge will require prior approval from Ecology.
- b) The disposal of dredged material at the beach nourishment site is authorized only within the footprint prescribed by the DMMP for the disposal site.
- c) All debris (larger than 2 feet in any dimension) shall be removed from the dredged sediment prior to disposal. Similar sized debris found floating in the dredging or disposal area shall also be removed. All debris shall be disposed of at appropriate upland locations.
- d) If dredging or disposal operations are found not to be in compliance with the provisions of this order or the Dredging Plan, or result in conditions causing distressed or dying fish, the operator shall immediately take the following actions:

- 1) Cease operations.

- 2) Assess the cause of the water quality problem and take appropriate measures to correct the problem and/or prevent further environmental damage.
- 3) In the event of finding distressed or dying fish, the operator shall collect fish specimens and water samples in the affected area and, within the first hour of such conditions, make every effort to have the water samples analyzed for dissolved oxygen and total sulfides. The department may require such sampling and analyses before allowing the work to resume.
- 4) Notify Ecology (water quality violation) and/or WDFW (fish kill) of the nature of the problem, any actions taken to correct the problem, and any proposed changes in operations to prevent further problems.

2. No Further Impairment of Existing Water Quality:

- a) Certification of this proposal does not authorize the Applicants to exceed applicable state water quality standards (173-201A WAC), including the state sediment quality standards (173-204 WAC). Furthermore, nothing in this certification shall absolve the Applicants from liability for contamination and any subsequent cleanup of surface waters or sediments occurring as a result of project construction or operations.

3. Spill Prevention and Control.

- a) During construction, any discharge of oil, fuel, or chemicals into state waters, or onto land with a potential for entry into state waters, is prohibited.
- b) Fuel hoses, oil drums, oil or fuel transfer valves and fittings, etc., on construction equipment shall be checked regularly for drips or leaks, and shall be maintained and stored properly to prevent spills into state waters. Proper security shall be maintained to prevent vandalism.
- c) 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.
- d) Spills into state waters, spills onto land with a potential for entry into state waters, or other significant water quality impacts, shall be reported immediately to the department's Southwest Regional Office at 360/ 407-6300 (a 24-hour phone number).
- e) Work in or near waters of the state shall be done so as to minimize turbidity, erosion, and other water quality impacts. In-water Best Management Practices (BMPs) suitable to prevent exceedances of state water quality standards shall be in place before starting any dredging and/or beach nourishment.

4. Notification.

- a) The department shall be notified at least 72 hours prior to the start of construction. Contact Helen

Pressley at Department of Ecology, PO Box 47600, Olympia WA 98504-7600, (360) 407-6076, or hpre461@ecy.wa.gov.

b) The Applicants shall submit an updated application to Ecology if the information contained in the project is altered by route modification or facility relocation submittals to the federal agency and/or state agencies. Within 30 days of receipt of an updated application Ecology will determine if a modification to this Order is required. All submittals shall be sent to the Federal Permit Coordinator at the above address.

5. General Conditions.

a) This certification does not exempt and is provisional upon compliance with other statutes and codes administered by federal, state, and local agencies.

b) The Applicants shall be considered out of compliance with this certification if:

1) The project is constructed and/or operated in a manner not consistent with the description contained in the Corps' Public Notice.

2) Five years elapse between the date of the issuance of this certification and the start of construction and/or discharge for which the federal license or permit was sought. However, the expiration date may be extended by the department at the request of the permittee.

3) The information contained in the Public Notice is voided by subsequent submittals to the federal agency. In which case, the permittee must reapply for certification with the updated information.

c) 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.

d) The Applicants shall provide access to the project site upon request by Ecology personnel for site inspections, monitoring, necessary data collection, or to ensure that conditions of this Order are being met.

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

f) Copies of this Order shall be kept on the job site and readily available for reference by Corps of Engineers personnel, the construction superintendent, construction managers and foremen, and state and local government inspectors.

Any person who fails to comply with any provision of this Order shall be liable for a penalty of up to ten thousand dollars per violation for each day of continuing noncompliance.

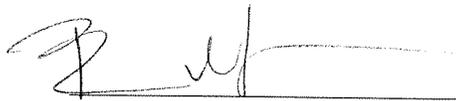
Any person aggrieved by this Order may obtain review thereof by appeal. The Applicants can appeal up

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to thirty (30) days after receipt of this Order, and all others can appeal up to 30 days from the postmarked date of this Order. The appeal must be sent to the Washington Pollution Control Hearings Board, PO Box 40903, Olympia WA 98504-0903.

Concurrently, a copy of the appeal must be sent to the Department of Ecology, Enforcement Section, PO 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 July 30, 2004 at Lacey, Washington



Brenden McFarland, Supervisor
Environmental Review and Transportation Section
Department of Ecology
State of Washington