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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)

REGISTERED MAIL

June 28, 2005

Mr. Michael Shaw
Port of Tacoma
PO Box 1837
Tacoma WA 98401

RE: Water Quality Certification - Order #2473/Corps Public Notice 200400818 - Widening and deepening of the Blair Waterway, dredging of the Blair Waterway Bridge Reach, and Southwest Corner cut, Tacoma, Pierce County, Washington.

Dear Mr. Shaw:

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 this work is consistent with the approved Washington State Coastal Zone Management Program.

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,

A handwritten signature in black ink that reads "Brenden McFarland".

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

cc: Seattle Corps – Jessica Winkler
Penny Keys – Ecology HQ

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DEPARTMENT OF ECOLOGY

In the Matter of Granting a)	ORDER No. 2473
Water Quality Certification)	(Corps Project #200400818)
To: The Port of Tacoma)	Widening and deepening the Blair Waterway,
In Accordance with 33 U.S.C. 1341)	cutting back the southwest corner, and a
[FWPCA § 401], RCW 90.48.120,)	cutback along the Blair Bridge Reach, Tacoma,
RCW 90.48.260, and WAC 173-201A)	Pierce County, Washington

ATTN: Mr. Michael Shaw
 Port of Tacoma
 PO Box 1837
 Tacoma WA 98401

On January 21, 2005, 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. 200400818.

The Port proposes to dredge and widen the Blair Waterway to a depth of -51 feet MLLW plus -1 ft of overdredge and make other improvements at 3 locations that are identified as the inner reach/turning basin, the southwest corner, and the bridge reach. The newly created slopes resulting from the dredging actions would be covered with up to 57,000 cy of riprap. A combination of select substrate (above -10 ft MLLW) and sandy dredged material (below -10 ft MLLW) would be placed on top of the riprap.

Up to 2.97 million cubic yards (cy) of dredged material at the three locations is proposed for disposal at the PSDDA disposal site in Commencement Bay or for beneficial use under another permit authorization.

Inner reach/Turning basin: Dredge up to 2.6 million cy of material to create a 1,700 ft turning basin by cutting back up to 250 ft of land. Up to 230 ft of land would be cut back in the inner reach to create a 550 ft wide channel and a 150 ft wide berth. The existing wood chip facility and pier (including 400 piles) would be demolished and removed.

Southwest Corner Cutback: Dredge up to 105,000 cy of material to lengthen the berthing area by 96 ft. In order to protect an existing mudflat area a 150 ft long sheetpile wall would be installed. The existing mooring dolphin would be replaced and stormwater improvements would be made.

Blair Bridge Reach: Dredge up to 265,000 cy of material along 1,160 lineal feet of shoreline. The 100 ft cutback would require the removal of 425 ft of the southwestern end of Pier 4 including 429 piles and the relocation of 2 navigational aids. The cutback would impact 0.69 acres of the 3.12 acre Fairliner Habitat Area. The Fairliner habitat site was created as mitigation for several Port projects. Improvements to the stormwater system are also proposed.

The Blair Barge Slip fill is being permitted separately.

In exercising its authority under 33 U.S.C. 1341, 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.
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, RCW 90.48. 120, RCW 90.48.260, and Chapter 173-201A WAC, certification is granted to The Port of Tacoma (Applicant) with the following conditions:

A. Short-term Modification to the Water Quality Standards.

1. The dredging and disposal needed to improve navigational safety may result in the temporary exceedance of certain state water quality criteria or special conditions specified in Chapter 173-201A WAC. Under WAC 173-201A-110, Ecology may grant a "Short-term Modification to allow for such exceedances of the criteria on a short-term basis when necessary or to otherwise protect the public interest".
2. Blair Waterway is classified as Class B water; thus, the Class B water quality standards of 173-201A-030(3) apply, except as specifically modified by this order. Temporary dilution zones, or mixing zones, are authorized for dredging and/or disposal to allow for temporary exceedances of certain water quality standards as a result of disturbing in-place sediments. Within the mixing zones, except as noted, water quality criteria are modified as follows:
 - a. **Turbidity:** Class B water quality standards for turbidity are waived within the specified mixing zones as outlined within specific conditions of this Order.
 - b. **Dissolved Oxygen:** Class B within the specified dilution zones, provided that total dissolved oxygen levels do not cause water quality standards for dissolved oxygen to drop below 6.0 mg/L.
3. Mixing Zone.
 - a. The mixing zones are considered reasonably sufficient to allow for the temporary impacts of the project. All other applicable water quality standards shall remain in effect in the mixing zones and all water quality standards are expected to be met outside of the mixing zones.
 - b. Mixing Zone: 150 feet radially and 600 feet downcurrent from the point of dredging. Each pass of a clamshell bucket shall be complete.

4. Duration of the Modification.

Per WAC 173-201A-110, a modification of a water quality criterion (such as turbidity) within a mixing zone is intended for short-term periods of time, *such as for hours or days rather than weeks or months*. In this case, Ecology finds that the effects of maintenance dredging are short-term in that dredging/disposal occurs in a matter of days. However, within the context of this certification, no degradation of water quality will be allowed if such degradation is found to significantly interfere with or become injurious to characteristic water uses or cause long-term harm to the environment of Blair Waterway.

This modification does not authorize any in-water work during closure periods specified within this Order or the HPA.

B. Monitoring.

Water Quality Monitoring shall be done during dredging. The following monitoring requirements shall be undertaken to assess the water quality effects on the dredging operation. The results will be used to:

- assess compliance with water quality standards;
 - provide notification of any exceedance of a standard; and
 - assess the need for continuing the monitoring activity and appropriate frequency of monitoring. Monitoring results (excepting exceedances, which shall be reported immediately) shall be sent weekly to Helen Pressley at Department of Ecology, PO Box 47600, Olympia WA 98504-7600, (360) 407-6076, or hpre461@ecy.wa.gov.
1. An exceedance of the water quality standards could result in corrective action depending upon the degree of the exceedance and/or the risk posed by the exceedance to beneficial uses of the water body.
 2. Monitoring shall be done for the first five days of dredging. Monitor 2 times per day.
 3. At the monitoring locations, water samples shall be taken at the surface (2.0 feet below), mid-depth, and near bottom (2.0 feet above). Samples taken within the mixing zone and at the mixing zone boundary shall be adjusted within the depth range to target the turbidity plume which will be tracked visually and/or hydro-acoustically. If no distinct turbidity plume can be identified within the depth range, the samples will be taken at the standard depths (i.e., surface, mid-depth, and near bottom).
 4. Monitoring points shall be 100 feet up current (representative of background) and at the outer limit of the mixing zone (point of compliance).

C. Dredging and Disposal

1. All dredging is to be done using a floating clamshell dredge. Use of any other type of dredge will require prior approval from the DMMP agencies.
2. 2,970,000 cubic yards of dredged material will be disposed of at the nondispersive (or dispersive) open-water disposal site in Commencement Bay or for beneficial use.
3. 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.
4. A **Dredging Plan** is required and shall be made available for review and approval at the pre-construction meeting to be convened at the Seattle Corps of Engineers office prior to the start of dredging. One week prior to the pre-construction meeting, a copy of the plan shall be sent to the Federal Permit Coordinator, Department of Ecology, PO Box 47600, Olympia WA 98504-7600 for review prior to the meeting.
5. Dredging operations shall be conducted in a manner that minimizes the disturbance or siltation of adjacent waters and prevents the accidental discharge of petroleum products, chemicals or other toxic or deleterious substances into waters of the State.
6. Dredged material shall not be stockpiled on a temporary or permanent basis below the ordinary high water line.

D. Emergency and Contingency Measures.

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.

E. Spill Prevention and Control.

1. 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.
2. 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.
3. 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.
4. 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).
5. 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 shall be in place before starting clearing, filling, and grading work at the impact sites.

F. Mitigation.

Mitigation for this project shall be implemented as described in the "Blair Waterway Infrastructure Improvements Mitigation Plan" dated June 2004, and the "Mitigation Plan Addendum" dated January 2005.

G. Notification.

1. **The department shall be notified at least 72 hours prior to the start of dredging.** Contact Helen Pressley at Department of Ecology, PO Box 47600, Olympia WA 98504-7600, (360) 407-6076, or hpre461@ecy.wa.gov.
2. The Applicant 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.

H. Duration of Water Quality Certification.

This WQC shall remain in effect for a period of five (5) years from date of issuance. Continuing dredging beyond the five year term of this Order will require separate certifications every five years.

Ecology reserves the option to reassess the terms of this Order and amend or revoke, as necessary, in the event that:

1. New sources of potential contamination are discharged or otherwise stand to significantly affect the quality of sediments dredged, or
2. New information indicates that dredging and/or disposal activities are having a significant adverse impact on water quality or characteristic uses.

I. General Conditions.

1. This certification does not exempt and is provisional upon compliance with other statutes and codes administered by federal, state, and local agencies.
2. The Applicant shall be considered out of compliance with this certification if:
 - a. The project is constructed and/or operated in a manner not consistent with the description contained in the Corps' Public Notice.
 - b. 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.
 - c. 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.
3. 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.
4. The Applicant shall provide access to the project site and/or mitigation site upon request by Ecology personnel for site inspections, monitoring, necessary data collection, or to ensure that conditions of this Order are being met.
5. Ecology retains continuing jurisdiction to make modifications hereto through supplemental order, if it appears necessary to further protect the public interest.
6. 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.

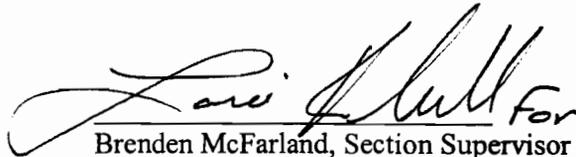
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Any person aggrieved by Order #2473 may obtain review thereof by appeal. Pursuant to ch. 43.21B. RCW, a person can appeal this order to the Pollution Control Hearings Board within 30 days of the date of receipt of this Order. Any such appeal must be sent to the Washington Pollution Control Hearings Board, PO 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, 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 June 28, 2005 at Lacey, Washington

A handwritten signature in cursive script, appearing to read "Brenden McFarland", with the word "For" written at the end of the signature.

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