



STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY

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August 31, 2007

REGISTERED MAIL
RD 252 946 506 US

Tacoma Metro Parks
ATTN: Mr. Curtis Hancock
4702 S. 19th Street
Tacoma, WA 98405-1175

RE: Water Quality Certification Order No. 4643 and Coastal Zone Management consistency determination for Corps Public Notice No. 200600564 to rehabilitate and expand the boat ramp along the southern shore of Dalco Passage and Commencement Bay, SE of Point Defiance Park, Pierce County, Washington.

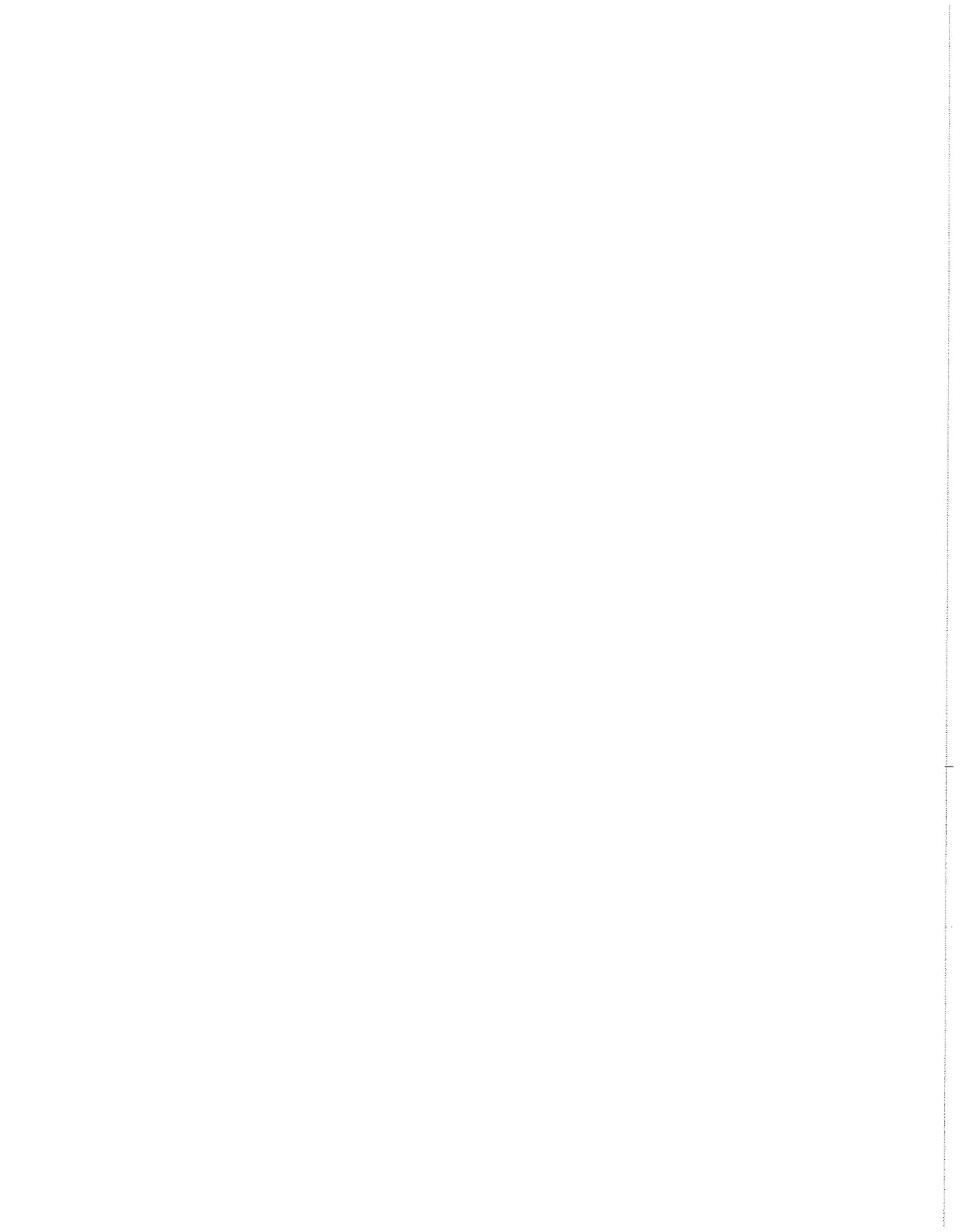
Dear Mr. Hancock:

On March 8, 2007, Tacoma Metro Parks, submitted a Joint Aquatic Resource Permit Application (JARPA) to the Department of Ecology (Ecology) for a Section 401 Water Quality Certification (401 Certification) under the federal Clean Water Act for the proposed replacement and reconfiguration of the Point Defiance Boat Ramp. The purpose of the project is to improve boat launch operations and traffic circulation to create a safer and more efficient boat launching site. The proposed project includes increasing the size of the existing boat ramp from four to eight lanes, extending one lane to – 6 mean lower low water, replacing the two existing breakwater/transient floats and associated utilities at the west end of the facility and adding a breakwater/transient moorage float at the east end of the facility. The project is located at the southern shore of Dalco Passage and Commencement Bay, SE of Point Defiance Park in Pierce County. The U.S. Army Corps of Engineers issued a public notice on March 6, 2007 for the proposed project.

On behalf of the State of Washington, Ecology certifies that the work described in the JARPA and the public notice 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.

On March 8, 2007, Tacoma Metro Parks, submitted a Certification of Consistency with the Washington State Coastal Zone Management Program (CZMP) 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 is consistent with Washington's CZMP. This concurrence is based upon the applicant's compliance with all applicable





Corps #200600564, Order4643
Pt Defiance Boat Ramp
August 31, 2007

enforceable policies of the CZMP, including Section 401 of the Federal Water Pollution Control Act.

If you have any questions, please contact Lori Ochoa at (360) 407-6926. The enclosed Order may be appealed by following the procedures described in the Order.

Sincerely,



Perry J. Lund, Unit Supervisor
Shorelands and Environmental Assistance Program
Southwest Regional Office

LO:dn
Enclosure

cc: Koko Ekendiz, U.S. Army Corps of Engineers
Nicole Faghin, Reid Middleton
David Molenaar, WDFW
Lisa Spadoni, City of Tacoma

e-cc: Lori Ochoa – SWRO, SEA
Penny Keys – HQ
Loree' Randall – HQ
Brad Murphy – SWRO, SEA
Deborah Cornett - SWRO, WQ
Marv Coleman - SWRO, ICP

IN THE MATTER OF GRANTING A) ORDER # 4643
WATER QUALITY) Corps Reference No. 200600564
CERTIFICATION TO) Point Defiance Boat Ramp replacement and
Tacoma Metro Parks) reconfiguration on the south shore of Dalco
in accordance with 33 U.S.C. 1341) Passage and Commencement Bay at Point
(FWPCA § 401), RCW 90.48.120, RCW) Defiance Park, Pierce County, Washington.
90.48.260 and Chapter 173-201A WAC)
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))

TO: Tacoma Metro Parks
ATTN: Mr. Curtis Hancock
4702 S. 19th Street
Tacoma, Washington 98405-1175

On March 8, 2007, Tacoma Metro Parks submitted a Joint Aquatic Resource 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 the U.S. Army Corps of Engineers (Corps) for the above-referenced project pursuant to the provisions Chapter 173-225 WAC on March 6, 2007.

The proposed boat launch expansion and reconfiguration project will consist of increasing the size of the existing boat ramp from four to eight lanes, extending one lane to – 6 (mean lower low water), replacing the two existing breakwater/transient floats and associated utilities at the west end of the facility and adding a breakwater/transient moorage float at the east end of the facility. The project is located at the on the southern shore of Dalco Passage and Commencement Bay of Puget Sound SE of Point Defiance Park, 5603 North Waterfront Drive, Tacoma, Pierce County, SE Section 14, Township 21 North, Range 2 East, WRIA No. 12, Chambers-Clover Watershed.

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 Tacoma Metro Parks and its agents, assignees and contractors.
2. For purposes of this Order, all submittals required by its conditions shall be sent to Ecology's Southwest Regional Office, Attn: Federal Permit Coordinator, SEA Program, P.O. Box 47775, Olympia, WA 98504-7775. Any submittals shall reference Order No 4643 and Corps No 200600564.
3. Work authorized by this Order is limited to the work described in the JARPA received by Ecology on March 8, 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 shall be rescinded if the U.S. Army Corps of Engineers does not issue a Section 404 permit.
6. This Order does not exempt, and is provisional upon compliance with other statutes and codes administered by federal, state, and local agencies.

7. 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.
8. The Applicant shall provide access to the project site and all mitigation sites upon request by Ecology personnel for site inspections, monitoring, necessary data collection, and/or to ensure that conditions of this Order are being met.
9. 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.
10. 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. The Applicant shall provide Ecology a signed statement (see Attachment A 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 before construction begins at the project.
11. 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.
12. 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. No Further Impairment of Existing Water Quality:

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

C. Timing:

1. This Order is valid until all compliance requirements in this document have been met

2. In-water work shall be subject to the timing limitations imposed by the most current Hydraulic Project Approval (HPA) issued by the Washington Department of Fish and Wildlife's (WDFW) for this project.

D. Notification Conditions:

1. The Applicant shall provide written notification (FAX, e-mail or mail) to Ecology's Southwest Regional Office Federal Permit Coordinator 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 Southwest 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, Order No. 4643, Corps Reference No. 200600564, project location, contact and contact's phone number.

E. Water Quality Monitoring and Reporting Conditions:

1. During and immediately after project construction, the Applicant or their contractor shall visually monitor for turbidity discharges at the point of compliance established in WAC 173-201A-210(1)(e)(i). If water quality exceedances are observed outside of the point of compliance, work shall cease immediately and the Applicant or the contractor shall assess the cause of the water quality problem and take appropriate measures to correct the problem and/or prevent further water quality turbidity exceedances. The Applicant or their contractor shall notify Ecology's Southwest Regional Office Federal Permit Coordinator at (360) 407-6926 of the exceedances.
2. If the results of the monitoring show that the water quality standards or project performance standards are not being met additional monitoring and mitigation may be required.
3. Any changes to the monitoring requirements must be approved in writing by Ecology.

F. Construction Conditions:

General

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.
2. The project shall be clearly marked/staked prior to construction. Clearing limits, travel corridors and stockpile sites shall be clearly marked. Sensitive areas and their buffers that

are to be protected from disturbance shall be marked so as to be clearly visible to equipment operators. All project staff shall be trained to recognize construction fencing or flagging that identifies sensitive area boundaries. Equipment shall enter and operate within the marked clearing limits corridors and stockpile areas.

3. During construction, the Applicant shall comply with all stormwater requirements within the current NPDES Construction Stormwater General Permit issued for this project.
4. The Applicant shall establish a separate contained area for washing down vehicles and equipment, which does not have any possibility of draining to surface waters and wetlands. No wash water containing sediments, oils, grease, or other hazardous materials resulting from wash down of the work area, tools, and equipment including concrete delivery trucks or other equipment used for concrete work shall not be discharged into state waters or storm drains.
5. Machinery and equipment used during construction shall be serviced, fueled, and maintained on uplands in a confined area in order to prevent containment to waters of the state. Fueling areas will be provided with adequate spill containment. Fueling equipment and vehicles within 100 feet of state waters and wetlands is not allowed.
6. Appropriate Best Management Practices (BMP's) shall be implemented to minimize track-out during construction.
7. 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.
8. All construction debris shall be properly disposed of on land so that it cannot cause water quality degradation to state waters.
9. Grading of material on the site must be done in a manner so that all of the material is graded landward and does not enter waters of the state.
10. Turbid water generated from construction activities, including turbid de-watering water, shall not be discharged directly into waters of the state. Turbid water shall be pumped to an upland area to allow the turbid water to settle. The discharge from the upland areas shall meet water quality criteria at the point of discharge into surface waters and/or wetlands.
11. Clean de-watering water that has been tested and confirmed to meet water quality standards may be discharged directly to waters of the state.

12. Fresh, uncured concrete in direct contact with water is toxic to aquatic life. All concrete shall be poured in the dry, or within confined waters not being dewatered, and shall be completely cured prior to coming into contact with waters of the state.
13. Uncured concrete and concrete by-products shall be completely sealed off and totally contained using sealed forms or other leak-proof containment systems, and not allowed to contaminate or enter surface waters.
14. 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 ramps or floats once they have been placed within or over the ordinary high water mark.

In and Over-Water Work

15. During construction, a containment boom and absorbent pads shall be placed around the perimeter of the work area to capture wood debris and other materials released into the waters as a result of construction activities. All accumulated debris shall be collected and of in an approved upland disposal facility.
16. A full depth silt curtain with a floating boom shall be deployed and maintained in a functional manner to contain suspended sediments at the work site during all in-water work.
17. The Applicant shall have a boat available and on site during in-water activities to retrieve any debris entering the water.
18. Most of the in-water work will be conducted from a spud-barge using a crane and a clamshell dredge equipped with an environmental bucket. Work surface on the barge deck or on uplands shall include a containment basin for piles and any slag material and sediment that is removed. Basins may be constructed of durable plastic sheeting with sidewalls supported by hay bales or support structure to contain all sediment.
19. Sediments and slag removed from the project area shall be disposed of at the approved Asarco Sediments/Groundwater Operable Unit 06 of the Commencement Bay Nearshore/Tideflats Superfund Site. All other debris and material removed from the project area shall be disposed of at an approved upland disposal site.
20. Project activities shall be conducted to minimize siltation of the beach area and bed.
21. Inter-tidal vascular plants shall not be adversely impacted due to project activities such as barge grounding.

Piling Removal

22. Approximately 39 existing timber creosote-treated pilings shall be removed from the project area, and an additional 35 timber creosote-treated piling shall be removed from the Boat House area west of the project site.
23. Pilings will be completely extracted using either a vibratory hammer or a clam shell dredge with an environmental bucket. Pilings that break during removal will be cut off approximately 3 feet below the mudline.
24. Piles removed from substrate shall be moved immediately from the water into the barge or onto uplands. The pile shall not be shaken, hosed off, left hanging to drip, or any other action intended to clean or remove adhering material from the pile.
25. All creosote-treated pilings shall be disposed of at an approved upland disposal site.

Pile Driving

26. All new pilings shall be made of steel or concrete.
27. Pilings shall be installed using a vibratory hammer. If proofing the steel piling requires the use of an impact pile driver, a dampening devise such as a block of wood at least 6-inches thick, shall be placed between the piling and the impact pile driver to attenuate noise.
28. The Applicant shall also employ the use of a bubble curtain during piling installation when using an impact hammer to drive piling. The bubble curtain shall be employed in a manner to ensure that bubbles completely engulf the piles during the impact driving.

G. Emergency/Contingency Measures:

1. The Applicant shall develop and implement a Spill Prevention and Containment Plan for all aspects of 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 Southwest Regional Spill Response Office at (360) 407-6300 and the Washington State 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.
- f. Submit a detailed written report to Ecology's Federal Permit Coordinator within five (5) days that describes the nature of the event, corrective action taken and/or planned, steps to be taken to prevent a recurrence, results of any samples taken, and any other pertinent information.

Compliance with this condition does not relieve the Applicant from responsibility to maintain continuous compliance with the terms and conditions of this Order or the resulting liability from failure to comply.

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 Southwest Regional Spill Response Office at 360 407-6300.

H. Appeal Process:

You have a right to appeal this Order. To appeal this 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
PO 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:

Lori Ochoa
Department of Ecology
Southwest Regional Office
P.O. Box 47775
Lacey, WA 98504-7775

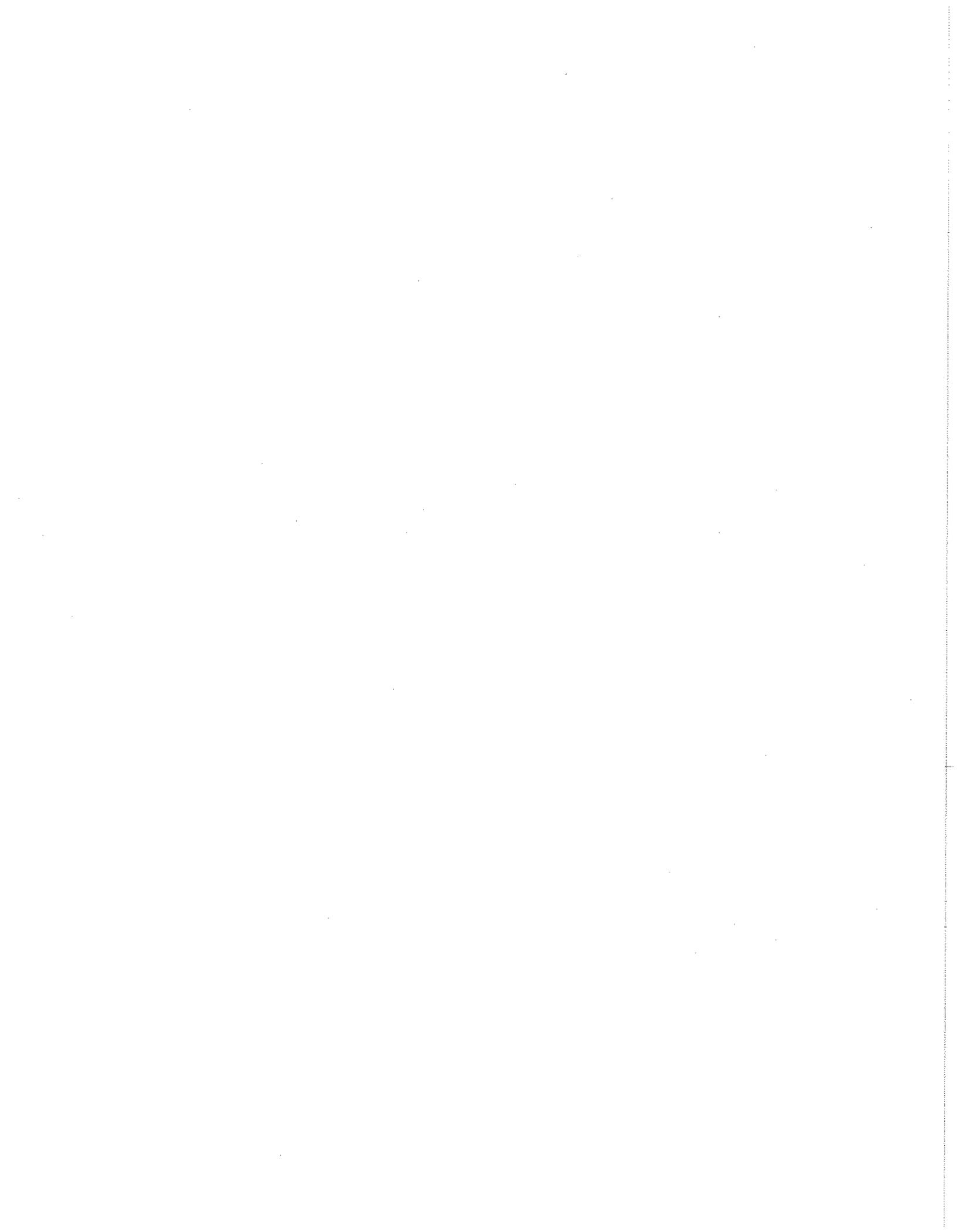
*For additional information visit the Environmental Hearings Office Website. <http://www.eho.wa.gov>
To find laws and agency rules visit the Washington State Legislature Website
<http://www1.leg.wa.gov/CodeReviser>*

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 this 31 day of AUGUST, 2007 at Lacey, Washington.



Perry J. Lund, Unit Supervisor
Shorelands and Environmental Assistance Program
Southwest Regional Office



Attachment # A

Tacoma Metro Parks
Point Defiance Boat Ramp
Water Quality Certification Order # **4643**

Statement of Understanding
Water Quality Certification Conditions

I, _____, state that, I will be involved as an agent or contractor for Tacoma Metro Parks in the replacement and reconfiguration of the Point Defiance boat ramp located within Dalco Passage and Commencement Bay of Puget Sound, SE of Point Defiance Park, at 5603 North Waterfront Drive, Tacoma, Pierce County, Washington. I further state that I have read and understand the relevant conditions of the Washington Department of Ecology Water Quality Certification Order #**4643** and the applicable permits and approvals referenced therein which pertain to the project-related work for which I am responsible.

Signature

Date

Title

Phone

Company

