



STATE OF WASHINGTON

DEPARTMENT OF ECOLOGY

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

September 24, 2004

**REGISTERED MAIL**  
**RB 252 878 369 US**

The Port of Allyn  
18560 E SR 3  
PO Box 1  
Allyn, WA 98524

RE: Water Quality Certification Number 1694 for Corps Public Notice 200201054 to replace an existing boat ramp and install a boat access float in North Bay on Case Inlet, Mason County, Washington

The Joint Aquatic Resource Application (JARPA) prepared on March 15, 2004 for proposed work in and near the North Bay on Case Inlet, Mason County has been reviewed. On behalf of the State of Washington, we certify that the work proposed in the application 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 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 concurrence is subject to the conditions contained in the enclosed Order.

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

Sincerely,

A handwritten signature in black ink, appearing to read "Perry J. Lund", written over a circular stamp or seal.

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

PJL:JS:dn  
Enclosure

cc: The Kirkbride Group  
US Army Corps of Engineers Seattle District  
Dave Molenaar, WSDFW, Region 6 Office  
Rick Mraz, Mason County Planning Department

**IN THE MATTER OF GRANTING )  
A WATER QUALITY )  
CERTIFICATION TO )  
Port of Allyn )  
in accordance with 33 U.S.C. 1341 )  
FWPCA § 401, RCW 90.48.120, )  
RCW 90.48.260 and WAC 173-201A )**

**ORDER # 1694  
Corps No. 2002001054  
Replace boat ramp and install floating  
docks at the Port of Allyn Boat Launch,  
on the North Bay in Case Inlet in Mason  
County, Washington**

TO: Port of Allyn  
PO Box 1  
Allyn, WA 98524

On March 15, 2004, a Joint Aquatic Resource Permit Application (JARPA) requesting a water quality certification from the State of Washington was received for the above-referenced project pursuant to the provisions of 33 U.S.C. 1341 (FWPCA § 401). The proposed project involves replacing an existing 145 by 16 foot boat ramp, installing six 8 by 20 foot floats and two 12-in diameter guide piles. Seventy cubic yards of rock ballast and 35 cubic yards of poured in place concrete will be required for reconstruction of the ramp. The project is located at 118560 E State Route 3, Allyn, Mason County, Washington.

**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 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, RCW 90.48.120, RCW 90.48.260 and Chapter 173-201A WAC, certification is granted to Port of Allyn (Port) subject to the following conditions:

**A. No Further Impairment of Existing Water Quality**

- A1. North Bay (WRIA14, Segment WA-PS -1090) is a Class A water of the state. Certification of this proposal does not authorize the Port to exceed applicable state water quality standards (173-201A WAC) or sediment quality standards (Chapter 173-204 WAC). Water quality criteria contained in WAC 173-201A-030(2) and WAC 173-201A-040 shall apply to this project. Furthermore, nothing in this

certification shall absolve the Port from liability for contamination and any subsequent cleanup of surface waters or sediments occurring as a result of project construction or operations.

- A2. Per WAC 173-201A-110(3), a temporary turbidity mixing zone is allowed immediately after necessary in-water construction activities that result in the disturbance of in-place sediments. Under no circumstance shall the following standard be exceeded beyond a radius of one hundred fifty feet from the activity causing the turbidity exceedance:
- (1) 5 NTU over background when the background turbidity is 50 NTU or less; or
  - (2) more than a 10 percent increase in turbidity when the background is more than 50 NTU.

**B. Timing:**

- B1. This Order shall be valid during construction activities and is valid until the Corps of Engineers 404 permit expires
- B2. Work below the ordinary high water mark shall not occur between March 15 and June 14 of any given year.
- B3. Work below the ordinary high water line from July 1 through December 31 and January 1 through March 31 of any year may occur only if approved by a habitat biologist from the Washington Department of Fish and Wildlife as required in Hydraulic Project Approval **ST-F0894-02**.

**C. Notification Conditions:**

- C1. The Port shall notify Ecology's Southwest Regional Office Federal Permit Coordinator seven (7) days prior to the start of work below the ordinary high water mark of the North Bay.
- C2. The Port shall notify Ecology's Southwest Regional Office Federal Permit Coordinator within fourteen (14) days after completion of construction.
- C3. The Port shall ensure that all appropriate project engineers and /or contractors at the project site shall 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/or 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 or mitigation sites.

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

**D. Monitoring Conditions:**

- D.1 Turbidity shall be assessed and recorded at least every two (2) hours during in-water activities. Monitoring points shall be at 200 feet (representative background), 150 feet, and at the discharge point. A turbidimeter is recommended, however, visual gauging of turbidity is acceptable.

- D2. If water quality exceedances are observed outside the turbidity mixing zone, in-water work shall cease immediately and the applicants, their agent or contractor shall contact Ecology's Southwest Regional Federal Permit Coordinator at 360 407-6926.
- D3. 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.

**E. Construction Conditions:**

- E1. 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 shall be in place before starting clearing work at the site.
- E2. 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.
- E3. Uncured concrete and concrete by-products shall be totally contained using sealed forms or other leak-proof containment systems, and not allowed to contaminate or enter the Case Inlet.
- E4. 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.
- E5. 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.
- E6. 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."
- E7. 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 the North Bay.
- E8. The Port shall ensure that fill used for the proposed project does not contain toxic materials in toxic amounts.

**F. Emergency/Contingency Measures:**

- F1. In the event the Port is unable to comply with any of the conditions in this Order due to any cause, or distressed or dying fish are observed in the vicinity of the project, the Port shall:
  - F1a. Immediately take action to stop, contain, and clean up unauthorized discharges or otherwise stop the violation and correct the problem.
  - F1b. Notify Ecology of the failure to comply. Spill events shall be reported immediately to Ecology's 24-hour spill response team at (360) 407-6300, and within 24 hours to Ecology's Southwest Regional Office Permit Coordinator at (360) 407-6926.

F1c. Submit a written report to Ecology within five days that describes the nature of the violation, 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 Port from responsibility to maintain continuous compliance with the terms and conditions of this Order or the resulting liability from failure to comply.

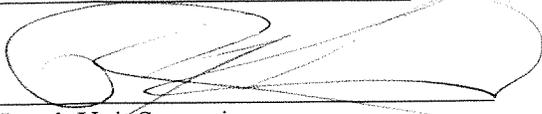
F2. Fuel hoses, oil drums, oil or fuel transfer valves and fittings, etc., shall be checked regularly for drips or leaks, and shall be maintained and stored properly to prevent spills into state waters, including wetlands.

**G. General Conditions:**

- G1. 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.
- G2. This certification does not exempt the Port from, and is conditioned upon compliance with, other statutes and codes administered by federal, state, and local agencies.
- G3. The Port shall construct and operate the project in a manner consistent with the project description contained in the JARPA, or as otherwise approved by Ecology.
- G4. The Port shall reapply with an updated application if the information contained in the Public Notice 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.
- G5. The Port 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.
- G6. 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 Port, 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. 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 this Order may obtain review thereof by appeal. Port of Allyn 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, Attn: Loree' Randall, 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 9/24/04 at Lacey, Washington

  
Perry J Lund, Unit Supervisor  
Shorelands and Environmental Assistance Program  
Department of Ecology – Southwest Regional Office

Attachment # A  
Water Quality Certification  
Statement of Understanding

I, \_\_\_\_\_, state that, as an agent or contractor for the replacement and expansion of the boat ramp, construction of floating docks, and regarding and restoration of the riverbank immediately upstream of the ramp and docks at the Port of Allyn on North Bay in Case Inlet, I have read and understand the relevant conditions of Washington Department of Ecology Water Quality Certification Order #1694 and the applicable permits and approvals referenced therein which pertain to the project-related work for which I am responsible.

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date

\_\_\_\_\_  
Title

\_\_\_\_\_  
Company

\_\_\_\_\_  
Phone Number



Port of Allyn  
September 24, 2004  
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bcc: Ecology HQ -- Penny Keys  
Ecology, HQ – Yvonne Oliva

e-cc: Deborah Cornett, Ecology, SWRO/WQ  
Kim Van Zwalenburg, Ecology, SWRO/SEA

