



STATE OF WASHINGTON

DEPARTMENT OF ECOLOGY

P.O. Box 47600 • Olympia, Washington 98504-7600

(360) 407-6000 • TDD Only (Hearing Impaired) (360) 407-6006

REGISTERED MAIL

September 14, 2004

Ms. Patricia Miller
Seattle District Corps of Engineers, Navigation Branch
P.O. Box 3755
Seattle, WA 98124-3755

RE: Water Quality Certification/Modification No.1648
Corps No. CENWS-OD-TS-NS-22
Maintenance dredging of the Snohomish River navigation channel, downstream and
upstream settling basins, Everett, Snohomish County, Washington.

Dear Ms. Miller:

The above-referenced public notice for 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.

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 about this letter or the enclosed Order, please contact Helen Pressley at 360 407-6076.

Sincerely,

A handwritten signature in black ink, appearing to read "Brenden McFarland".

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

cc: Victoria Luiting, Corps
Yvonne Oliva, Ecology

In view of the foregoing and in accordance with 33 U.S.C. 1341, 90.48.260 RCW, 90.48.120 RCW and Chapter 173-201A WAC, certification is granted to the Seattle District Corps of Engineers subject to the following conditions:

I. Short-term Modification to the Water Quality Criteria.

The dredging and disposal needed to protect 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".

The project reach of the lower Snohomish River is classified as Class A waters; thus, Class A water quality standards of 173-201A-030(2) 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:

1. **Turbidity.** Class A water quality standards for turbidity are waived within the specified mixing zones as outlined within specific conditions of this Order.
2. **Dissolved Oxygen.** Class A 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.

II. Mixing Zones.

Mixing zones and other applicable conditions are specified below under the separate categories of the project. 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.

III. 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 the lower Snohomish River.

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.

B. The following specific conditions apply to each type of dredging activity:

1. Clamshell Dredging:

- a. Dilution Zone: 150 feet radially and 600 feet downcurrent from the point of dredging.
- b. Each pass of a clamshell bucket shall be complete with no stockpiling done in the water. Dredged material shall not be stockpiled on a temporary or permanent basis below the ordinary high water line.
- c. Large debris picked up by a clamshell dredge shall be removed from the dredged sediment prior to disposal at disposal sites. Large debris includes old pilings or sinker logs [longer than three feet or greater than one foot in diameter], tree stumps, and man-made materials such as scrap metals, car bodies, broken concrete or asphalt and the like.

2. Hydraulic Dredging:

- a. Mixing Zone for Hydraulic Dredging: 150 feet radially from the point of dredging and 300 feet downcurrent.
- b. The hydraulic dredge shall be operated with the intake positioned at or below the surface of the sediment being removed. The intake shall be raised no higher than three feet above the bed surface for brief periods to purge or flush the intake system.

3. General Dredging Conditions:

- a. The 460,000 cubic yards of dredged material shall be distributed to provide the greatest benefit to the navigational requirements and potential beneficial uses of the material. The approximately 800,000 cubic yards of clean sandy material from the upstream basin, and the approximately 500,000 cubic yards from the downstream basin shall be disposed of at either the Port Gardner open water site, the Pacific Sound Resources site, or at Jetty Island. Disposal is authorized only within the footprint prescribed by the DMMP for the disposal sites.

4. Notify the Department of Ecology and the 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.

VIII. Spill Prevention and Control.

- A. 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., 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 substances 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 Ecology's Northwest Regional Office at (425) 649-7000 (a 24-hour phone number).

IX. Duration of Water Quality Certification (WQC).

This WQC shall remain in effect for a period of five (5) years from date of issuance. Continuing maintenance 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 from the Snohomish River navigation channel, or
2. New information indicates that dredging and/or disposal activities are having a significant adverse impact on water quality or characteristic uses of the lower Columbia River.

XIII. 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 shall be sent to the Washington Pollution Control Hearings Board, PO Box 40903, Olympia WA 98504-0903. Concurrently, copies of the appeal shall be sent to the Department of Ecology, Enforcement Section, PO Box 47600, Olympia WA 98504-7600 and Department of Ecology, SEA Program, Attention Ms. 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 Sept 14, 2004 at Lacey, Washington



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