



STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY

PO Box 47775 • Olympia, Washington 98504-7775 • (360) 407-6300

April 13, 2005

REGISTERED MAIL
RB 253 008 253 US

Pierce County Public Works
3619 Pacific Avenue
Tacoma, WA 98418-7921

Attn: John Cutter

RE: Water Quality Certification Number 2188 for Corps Public Notice 200201265 for repair and maintenance of boat ramps in marine waters in Puget Sound in Pierce County, Washington

Dear Mr. Cutter:

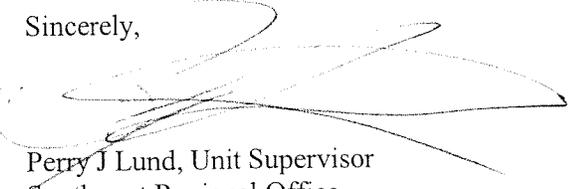
The public notice issued by U.S. Army Corps of Engineers on May 6, 2004, for proposed work in marine waters of South Puget Sound, Pierce County, Washington, has been reviewed. On behalf of the State of Washington, we certify that the work proposed in the application for Department of Army permit, and Corps 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 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. Written comments can be sent to her at the Department of Ecology, SWRO, PO Box 47775, Olympia, WA 98504-7775. The enclosed Order may be appealed by following the procedures described in the Order.

Sincerely,



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

PJL:JS:dn
Enclosure

cc: Ron Wilcox, U.S. Army Corps of Engineers Seattle District
Dave Molenaar, WSDFW



IN THE MATTER OF GRANTING) ORDER # 2188
A WATER QUALITY) U.S. Army Corps of Engineers Reference No. 200201265
CERTIFICATION TO) Repair and Maintenance of eight boat launch ramps in
Pierce County Public Works) South Puget Sound, Pierce County, Washington
 in accordance with 33 U.S.C. 1341)
 FWPCA § 401, RCW 90.48.260)
 RCW 90.48.120 and WAC 173-201A)

TO: Pierce County Public Works
 3619 Pacific Avenue
 Tacoma, WA 98418-7921

ATTN: John Cutter

On May 6, 2004, a public notice for a proposed water quality certification from the State of Washington was distributed for the above-referenced project pursuant to the provisions of 33 U.S.C. 1341 (FWPCA § 401). The proposed project involves removal of sediment build up and placement of concrete at eight separate boat launch ramps. The proposed maintenance will occur up to two times per year at each boat ramp for the five year life of the permit. The locations and total quantity of concrete for each site are shown below:

Site	Waterbody	Quantity of Concrete
Purdy Spit Ramp	Henderson Bay	Up to 4 cubic yards
Vaughn Bay Ramp	Case Inlet	Up to 8 cubic yards
Randall St Ramp	Gig Harbor Bay	Up to 4 cubic yards
Home Ramp	Case Inlet	Up to 10 cubic yards
Longbranch Ramp	Drayton Passage	Up to 10 cubic yards
Horsehead Bay Ramp	Henderson Bay	Up to 4 cubic yards
Wollochet Bay Ramp	Wollochet Bay	Up to 4 cubic yards
10 th Street Ramp	Hale Passage	Up to 4 cubic yards

AUTHORITIES:

In exercising authority under U.S.C. 1341, 16 U.S.C. 1456, RCE 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.

D. Construction Conditions:

- D1. 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 commencing work at the impact sites.
- D2. No existing shoreline material (i.e., logs, rocks, gravel cobbles, woody debris or other bed material) shall be relocated or used for any purpose except that bed material located exactly where repairs are being made may be relocated.
- D3. Uncured concrete and concrete by-products shall be totally contained using sealed forms or other leak-proof containment systems, and shall not be allowed to contact the waters or shorelines below the ordinary high water mark of Puget Sound.
- D4. All construction debris shall be properly disposed of upland so that it cannot enter a waterway or cause water quality degradation to state waters.
- D5. 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.

E. Construction Monitoring Conditions:

- E1. During construction and as the rising tide inundates the project site, the County or the contractor shall visibly monitor the area for distressed or dying fish. If turbidity is observed more than 150 feet from the project site, work shall cease immediately and the County or the contractor shall contact Ecology's Southwest Regional Spill Response Office at (360) 407-6300.
- E2. In order to assure that state water quality standards for pH are being met with the materials and methods proposed, the County shall monitor pH at the initial repair project at each site and report the results to Ecology within 24 hours. If the results of this monitoring show less than 0.2 units of impact to pH, monitoring will not be required for subsequent repairs.
- E3. The County shall prepare a monitoring plan describing how background pH will be determined and how monitoring will be conducted after repairs are completed. This plan must be submitted to Ecology for review and approval at least 30 days prior to commencing work.
- E4. All placement of concrete must be completed at least two hours prior to tidal inundation in order to allow the concrete to set and begin to cure. The County shall submit a work schedule that specifies the time when work must cease for each day work is anticipated to occur and submit that schedule to Ecology at least 30 days prior to beginning work.

F. Emergency/Contingency Measures:

- F1. In the event the County is unable to comply with any of the permit terms and conditions due to any cause, the County 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 County from responsibility to maintain continuous compliance with the terms and conditions of this Order or the resulting liability from failure to comply.
- F2. Toxic conditions resulting in distressed or dying fish (including dissolved oxygen levels below 5.0 mg/L or pH above 8.5) are not allowed. If these conditions occur, construction shall cease immediately and the County or the contractor shall contact Ecology's Southwest Regional Spill Response Office at (360) 407-6300.

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 County from, and is conditioned upon compliance with, other statutes and codes administered by federal, state, and local agencies.
- G3. The County shall construct and operate the project in a manner consistent with the project description contained in the Public Notice for certification, or as otherwise approved by Ecology.
- G4. The County 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 County 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 County, 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. Liability: 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.

Appeal Process:

Any person aggrieved by Order Number may obtain review thereof by appeal. Pursuant to Chapter 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  at Lacey, Washington

13 APRIL 2005
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 maintenance and repair of eight the boat ramps on Puget Sound for The County, I have read and understand the relevant conditions of Washington Department of Ecology Water Quality Certification Order # _____ and the applicable permits and approvals referenced therein which pertain to the project-related work for which I am responsible.

Signature

Date

Title

Company