STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY
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August 10, 2012

Peter M. Dawson
Captain, U.S. Navy
Commanding Officer, Naval Base Kitsap
120 South Dewey Street, Building 443
Bremerton, WA 98314

RE: Water Quality Certification Order #9157 for U.S. Army Corps of Engineers Public Notice #NWS-2009-572, Naval Base Kitsap at Bangor Explosives Handling Wharf Number 2 (EHW-2) Project, Silverdale, Kitsap County, Washington

Dear Captain Dawson:

On August 19, 2011, U.S. Navy 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 Naval Base Kitsap at Bangor Explosives Handling Wharf Number 2 (EHW-2) project. Revised JARPAs were submitted to Ecology on December 9, 2011 and January 12, 2012.

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.

If you have any questions, please contact Rebekah Padgett at (425) 649-7129. The enclosed Order may be appealed by following the procedures described in the Order.

Sincerely,

Geoff Tallent, Section Manager
Shorelands and Environmental Assistance Program
Northwest Regional Office

GT:rrp:cja

Enclosure

By certified mail: 7011 0470 0003 3720 9909

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Chris Waldbillig, Washington Department of Fish and Wildlife
Lindie Schmidt, Washington Department of Natural Resources
Cyrilla Cook, Washington Department of Natural Resources
Chris Townsend, Puget Sound Partnership
Patty Charnas, Kitsap County Department of Community Development
Stacie Hoskins, Jefferson County Planning
Nancy Brennan-Dubbs, U.S. Fish and Wildlife Service
Tami Black, NOAA Fisheries
Steve Todd, Suquamish Tribe
Roma Call, Port Gamble S'Klallam Tribe
Doug Morrill, Lower Elwha Klallam Tribe
Thom Johnson, Point No Point Treaty Council
Cynthia Rossi, Point No Point Treaty Council
Christine Stevenson, Naval Facilities Engineering Command Northwest
Tom Dildine, Naval Facilities Engineering Command Northwest
Tye Yasenak, Naval Base Kitsap at Bangor
Robert Gelder, Kitsap County Board of Commissioners
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IN THE MATTER OF GRANTING A WATER QUALITY CERTIFICATION TO U.S. Navy, Naval Base Kitsap in accordance with 33 U.S.C. 1341 (FWPCA § 401), RCW 90.48.120, RCW 90.48.260 and Chapter 173-201A WAC	)))))))	**ORDER # 9157** **Corps Reference #NWS-2009-572** Naval Base Kitsap at Bangor Explosives Handling Wharf Number 2 Project; Silverdale, Kitsap County, Washington.

TO: Peter M. Dawson
Captain, U.S. Navy
Commanding Officer, Naval Base Kitsap
120 South Dewey Street, Building 443
Bremerton, WA 98314

On August 19, 2011, U.S. Navy, Naval Base Kitsap (Navy) submitted a Joint Aquatic Resources Permit Application (JARPA) to the Department of Ecology (Ecology) for a Section 401 Water Quality Certification to construct a second Explosives Handling Wharf (EHW-2) at Naval Base Kitsap-Bangor (NBK-Bangor). Revised JARPAs were submitted to Ecology on December 9, 2011 and January 12, 2012. A joint 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 of Chapter 173-225 WAC on January 27, 2012.

The EHW-2 proposal includes construction of a pile-supported wharf and access trestles, installation of a ramp and float, and construction of an access road:

> Wharf: The 632- by 250-foot wharf will lie approximately 600 feet offshore at water depths of 60 to 100 feet and will consist of a covered main wharf and 688- by 40-foot warping wharf. It includes a slip (docking area) for submarines, an operations support building, and facility support (cranes, power utility booms, six lightning protection towers, and mooring camels). The warping wharf will extend out from the main wharf and will be used to line up submarines to move into the slip. The total overwater coverage (including wharf, warping wharf, trestles, and lightning towers) is approximately 273,108 square feet (6.3 acres).
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> Access trestles: Two access trestles will connect the wharf to the shore, for approximately 81,208 square feet (1.9 acres) of overwater coverage. The trestles would be 1,849 feet long.
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> Ramp and float: Installation of an 80- by 3.5-foot grated ramp and a 35- by 18-foot concrete float.
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> Piling: Up to 1,250 steel piling ranging in diameter from 24 to 48 inches will support the wharf and trestles. Additionally, 55 24-inch-diameter steel piles will be installed on the shoreline above mean higher high water (MHHW) to support the concrete trestle abutment. Up to 150 36-inch-diameter steel falsework piles will be driven and removed upon completion of construction.

Upland Facilities: Upland facilities include a 103-foot-long concrete trestle abutment with a 69-foot wingwall at the shoreline, a paved access road, three culverts under the road, an outfall, a gravel access road, enlarging existing parking areas, utilities, three support buildings and a pure water facility, a security fence, a 5-acre construction laydown area, and modification or demolition of up to 20 existing facilities or structures. The concrete abutment will include excavation of 2,760 cubic yards (300 cubic yards below MHHW) and placement of 520 tons of armor rock (70 cubic yards below MHHW). The access road involves excavation of up to 560 cubic yards and placement of up to 600 cubic yards of 8-inch minus gravel in a wetland.

The project is located at Naval Base Kitsap-Bangor, in Silverdale, Kitsap County, Washington, wetlands and Hood Canal, Section 18, T. 26 N., R. 1E., WRIA 15.

Construction of the wharf and access trestles will create approximately 273,108 square feet (6.3 acres) of new overwater area affecting a variety of marine aquatic habitat. Full shading and loss includes 0.06 acre of eelgrass and 0.13 acre of other marine vegetation. Another 0.14 acre of shallow habitat will be impacted by partial shading, including 0.027 acre of eelgrass and 0.05 acre of other marine vegetation.

The project will impact marine aquatic habitat (described above) and approximately 0.2 acre of Category 4 wetland. To mitigate for the impacts, the Navy is proposing to purchase credits from the Hood Canal Coordinating Council In-Lieu Fee Program.

AUTHORITIES:

In exercising authority under 33 U.S.C. § 1341, 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, 302, 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 meet the 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.

The following conditions are place on the project in order to protect beneficial uses and to ensure compliance with the applicable water quality standards and other appropriate requirements of state laws.

A. General Conditions:

A1. In this Order, the term "Applicant" shall mean U.S. Navy, Naval Base Kitsap and its agents, assignees and contractors.

A2. All submittals required by this Order shall be sent to Ecology's Northwest Regional Office, Attn: 401/CZM Federal Project Manager, 3190 160th Avenue SE, Bellevue, WA 98008-5452 or via e-mail to Rebekah.Padgett@ecy.wa.gov The submittals shall be identified with Order #9157 and include the Applicant name, project name, project contact, and the contact's phone number.

A3. All notifications listed below shall be made to Ecology's 401/CZM Federal Project Manager per Condition A2 above:
   i. At least three (3) days prior to the start of each in-water construction season.
   ii. Within 14 days after completion of the in-water construction for each season at the project site.

A4. Work authorized by this Order is limited to the work described in the JARPA received by Ecology on January 12, 2012 and the site plans dated January 2012, unless otherwise authorized by Ecology.

A5. The Applicant shall notify Ecology in writing of any proposed changes to the project that might significantly and adversely affect water quality (other than project changes required or considered by this Order). Within 30 days of receipt of such notice, 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. Regardless, any such proposed changes to the project may not commence without Ecology's review and written approval.

A6. This Order shall be rescinded if the U.S. Army Corps of Engineers does not issue Section 404 permit.

A7. The Applicant shall send (per A.2.) a copy of the final Section 404 Corps permit to Ecology's Federal Project Manager within two weeks of receiving it from the Corps.

A8. The Applicant shall keep copies of this Order 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.

A9. 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.

A10. 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.

A11. In the event of changes or amendments to the state water quality, ground water quality, or sediment standards, or changes in or amendments to the state Water Pollution Control Act (RCW 90.48), or the federal Clean Water Act, Ecology will issue an administrative order to incorporate any such changes or amendments applicable to this project.

A12. 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 or mitigation sites.

A13. This Order does not authorize direct, indirect, permanent, or temporary impacts to waters of the state or related aquatic resources, unless this Order specifically allows such impacts.

A14. Failure of any person or entity to comply with the conditions of this Order may result in the issuance of civil penalties or other actions, whether administrative or judicial, to enforce its terms.

B. Timing Conditions

B1. This Order only authorizes in-water construction activities for five (5) years from the issuance date.

B2. Work below the Ordinary High Water Mark (OHWM) to -30 feet, or 100 meters from MHHW, shall not occur from January 15 through July 15 of any year for the protection of fish.

C. Compensatory Mitigation Conditions:

C1. The Applicant shall mitigate wetland and marine aquatic habitat impacts as described in the *Hood Canal Coordinating Council in Lieu Fee Program Use Plan, ILF Use Plan for Mitigation for Navy Explosives Handling Wharf #2, Naval Base Kitsap Bangor* (hereafter called the "ILF Use Plan"), prepared by U.S. Department of the Navy, dated August 9, 2012, or as revised and approved by Ecology.

C2. The Applicant shall obtain two pieces of documentation from the Sponsor as proof of purchase of credits as specified in the ILF Use Plan for this impact project. The documentation must be submitted to Ecology (see A2) prior to impacting wetlands or marine aquatic habitat.

Documentation from the Sponsor shall include:

a. Ecology's Order number,
b. Order issuance date,
c. Number of credits purchased,
d. Resource type of credits,
e. Signatures from the Sponsor and the Applicant, and
f. An updated ledger from the Sponsor showing that the credits were available and have been withdrawn from Hood Canal Coordinating Council In Lieu Fee Program.

C3. If the Applicant cannot complete the purchase of credits before impacts to wetlands and marine aquatic habitat occur, Ecology may require additional compensation to account for additional temporal loss.

C4. The Applicant shall notify and submit in writing to Ecology (see A2) any proposed changes to the amount of wetland and marine aquatic habitat impacts, revision to the mitigation plan, and/or submittal of new information (See C2) for review and approval before the proposed change is implemented.

D. Water Quality Conditions:

D1. This Order does not authorize temporary exceedances of water quality standards beyond the limits established in WAC 173-201A-210(1)(e)(i).

D2. In-Water Construction Water Quality Sampling and Monitoring: A Water Quality Monitoring and Protection Plan (WQMPP) shall be developed and implemented for in-water work. A copy of the Plan shall be submitted to Ecology at least 15 days prior to start of construction for Ecology review and approval per Condition A2.

D3. The WQMPP shall include the following minimum requirements:

a. Locations of samples: Locations of water quality sampling sites shall be identified and described in the Plan and on a map of the project area. At a minimum:
   i. Point of compliance 150-foot temporary area of mixing for turbidity from disturbance of in-place sediments in Hood Canal.
   ii. Early warning location at a point between the disturbance of in-place sediments and the point of compliance.
   iii. Background samples shall be collected outside the area of influence of the in-water work. Note: Background samples shall be collected at the same frequency as the point of compliance samples.

b. Number of samples: Number and frequency of water quality samples to be taken.

c. Parameter to be sampled: Turbidity and pH shall be sampled for this project.

d. Equipment: Sampling for turbidity is to be accomplished using a turbidometer properly calibrated according to the operator's manual.

e. If exceedances[1] at the point of compliance are detected, the Applicant shall immediately take action to stop, contain, and take other steps to prevent further violations and otherwise stop the violation and correct the problem. After the event, the Applicant shall assess the adequacy of the BMPs and update, or improve those used, to reduce and prevent recurrence of the turbidity exceedance.

f. The Applicant shall notify Ecology's Federal Project Manager of any turbidity exceedances detected through water quality monitoring (including visual) within 24 hours of the occurrence. Notification shall be made per condition A2. The Applicant shall, at a minimum, provide Ecology with the following information:
   i. A description of the nature and cause of exceedance.
   ii. The period of non-compliance, including precise dates, and when the Applicant returned, or expects to return to compliance.

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[1] Turbidity levels above 5 NTU over background when the background is 50 NTU or less; or a 10 percent increase in turbidity when the background turbidity is more than 50 NTU are considered exceedances of the water quality standards.

iii. The steps taken, or to be taken, to reduce, eliminate, and prevent recurrence of the non-compliance.

iv. In addition to the 24 hour notification, the Applicant shall submit a written report to Ecology that describes the nature of the exceedance, sampling results and location, photographs, and any other pertinent information within five (5) days after the exceedance. The report shall also identify what additional BMPs were, or will be, implemented to prevent further exceedances.

D4. If WQMPP changes are proposed throughout the duration of this Order, the Applicant shall submit them to Ecology for review and approval. Following Ecology's approval, the Applicant shall comply with the approved, updated Plan.

D5. If monitoring results demonstrate that the applicable water quality standards or project performance standards are not being met, Ecology may require additional monitoring and/or mitigation.

E. Conditions for Construction Activities:

General Conditions:

E1. Work in or near the water that may affect fish migration, spawning, or rearing shall cease immediately upon a determination by Ecology that fisheries resources may be adversely affected.

Upland Conditions:

E2. Applicant shall obtain a Construction Stormwater General Permit from the U.S. Environmental Protection Agency for this project. A copy of the Construction Stormwater General Permit shall be provided to Ecology per Condition A2 within two (2) weeks of receipt.

E3. Applicant shall submit a copy of the Stormwater Pollution Prevention Plan to Ecology per Condition A2 prior to start of construction.

E4. All clearing limits, stockpile[2] sites, staging areas, and trees to be preserved shall be clearly marked prior to commencing construction activities and maintained until all work is completed for each project area.

E5. Within the project limits[3], all environmentally sensitive areas including, but not limited to, wetlands, wetland buffers, and mitigation areas shall be fenced with high visibility

[2] A stockpile site or storage area is a location where large amounts of material are stored for future use on a project.
[3] Project limits include mitigation sites, staging areas, borrow sources, and other sites developed or used to support project construction.

construction fence (HVF) prior to commencing construction activities. Construction activities include equipment staging[4], materials storage, and worker-vehicle parking.

**Note: This condition does not apply to activities such as pre-construction surveying and installing HVF and construction zone signage.

E6. Construction stormwater, sediment, and erosion control best management practices (BMPs; *e.g.*, filter fences, etc.) suitable to prevent exceedances of state water quality standards shall be in place before starting construction at the site.

E7. Sediment and erosion control measures shall be inspected and maintained prior to and during project implementation.

E8. All construction debris shall be properly disposed of on land so that it cannot enter a waterway or cause water quality degradation to state waters.

E9. To prevent surface water contamination, machinery and equipment used during construction shall be serviced, fueled, and maintained upland, unless otherwise approved by Ecology.

E10. Wash water containing oils, grease, or other hazardous materials 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.

E11. Native riparian vegetation shall be left in place along the shoreline to the extent practicable.

E12. Following construction, areas not permanently paved or otherwise used for the proposed action would be re-vegetated with native forest and shrub species.

E13. Clean Fill Criteria: Applicant shall ensure that fill (soil or gravel) placed for the proposed project does not contain toxic materials in toxic amounts.

In-Water:

E14. In-water construction is defined as all work below the Ordinary High Water Mark (OHWM) of Hood Canal.

E15. To prevent surface water contamination, machinery and equipment used during construction may not be fueled over water, unless otherwise approved by Ecology. Equipment used for this project shall be free of external petroleum-based products while working around the water.

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[4] A stage is part of a project that has been separated into at least two distinct areas to be built during separate timeframes.

E16. All trash and unauthorized fill, including concrete blocks or pieces, bricks, asphalt, metal, treated wood, glass, floating debris, and paper, below the OHWM in and around the Applicant's project area shall be removed and deposited at an approved upland disposal site.

E17. Following completion of in-water construction activities, the Applicant shall conduct an underwater survey to locate and remove any lost construction materials.

E18. During project construction, a containment boom and absorbent pads shall be placed around the perimeter of the work area to capture debris and other materials released into the waters as a result of construction activities. All accumulated debris shall be collected and disposed of upland at an approved disposal site.

E19. During construction, the Applicant shall have a dedicated boat on site at all times to retrieve debris from the water.

E20. Prior to in-water construction activities the Applicant shall place temporary buoys or other visual guides identifying restricted areas for construction vessels.

E21. Shallow draft, low horsepower tugboats shall be used in the nearshore area and for extended operations in areas shallower than 40 feet below OHWM in order to minimize nearshore propeller wash impacts such as suspension of nearshore sediments.

E22. Barges shall not be allowed to ground-out during construction.

E23. Tugs, barges, and other work vessels shall anchor only in designated areas and shall avoid dragging anchors during recovery.

E24. Vessel operators shall be provided with maps of the construction area with eelgrass beds clearly marked.

E25. Construction barges shall not shade existing eelgrass beds for extended periods of time (more than one (1) day) during the growing season of April 1 to September 30. Previously shaded eelgrass shall remain unshaded for at least one (1) day before a barge can be re-positioned above the habitat.

E26. Spudding or anchoring shall not occur in designated eelgrass habitat and a 2-foot vertical buffer at the waterward and landward edges.

E27. Project activities shall be conducted to minimize siltation of the beach area and bed.

E28. If cast in place, wet concrete/grout shall be prevented from entering waters of the state. Forms for any concrete/grout structure shall be constructed to prevent leaching of wet concrete/grout. Impervious materials shall be placed over any exposed concrete/grout not

lined with the forms that will come in contact with state waters. Forms and impervious materials shall remain in place until the concrete/grout is cured.

E29. Construction of the concrete abutment shall be conducted "in the dry" when the work area is not inundated with tidal waters.

E30. All temporary in-water construction structures shall be removed as soon as possible and prior to project completion.

E31. A Debris Management Plan shall be developed and implemented and shall include BMPs to minimize release of construction debris into water of the state. A copy of this plan shall be submitted to Ecology at least 15 days prior to start of construction for Ecology review and approval per Condition A2.

E32. A Mooring and Anchoring Plan shall be developed and implemented and shall include BMPs to avoid dragging anchors and lines in eelgrass and macroalgae areas, and maps of the project site with eelgrass beds clearly marked and a 2-foot vertical buffer at the waterward and landward edges of the eelgrass bed. Two hard copies and one electronic copy of this plan shall be submitted to Ecology at least 15 days prior to start of construction for Ecology review and approval per Condition A2.

Pile Driving:

E33. The new pilings shall be steel.

E34. The steel pilings shall be installed using a vibratory hammer whenever possible. An impact hammer may be used to proof pile, if needed.

E35. The following sound attenuation methods shall be required for the driving or proofing of steel piles with an impact hammer below the ordinary high water line:

a. For steel piles, 10 inches in diameter or less, a 6-inch thick wood block shall be installed between the piling and the impact hammer during pile driving operations or a bubble curtain shall be installed around the pile during pile driving operations.

b. For steel piles greater than 10 inches in diameter, a bubble curtain shall be installed around the pile during pile driving operations.

c. The bubble curtain shall be installed and properly functioning around the pile during all driving operations. The bubble curtain shall distribute air bubbles around 100 percent of the perimeter of the piling over the full length of the pile in the water column.

Pile Removal:

E36. Vibratory extraction shall be utilized for removal of temporary falsework piles.

E37. Upon installation of permanent piling, all temporary falsework piles shall be removed and re-used or recycled at an appropriate upland facility.

E38. Piles, stubs, debris, and all associated excavated sediments shall be contained and prevented from entering waters of the state.

E39. Piles removed from substrate: the pile 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.

E40. Work surface on the barge deck or on uplands shall include a containment basin for piles and any sediment removed during pulling of the piling. Basins may be constructed of durable plastic sheeting with sidewalls supported by hay bales or support structure to contain all sediment.

E41. The piles and any sediment removed during pulling of the piling shall be disposed of at an approved upland disposal site.

F. Eelgrass Monitoring Conditions:

F1. An Eelgrass Monitoring Plan shall be developed and implemented for the beds adjacent to the impact site. Two (2) hard copies and one electronic copy of this Plan shall be submitted to Ecology at least 15 days prior to start of construction for Ecology review and approval per Condition A2.

F2. The Applicant shall monitor the eelgrass at both the project site and a control area adjacent to but outside of the project impact site for a minimum of five (5) years. Advanced eelgrass monitoring surveys shall be conducted according to the *Eelgrass/Macroalgae Habitat Interim Survey Guidelines*, prepared by Washington Department of Fish and Wildlife, dated June 16, 2008.

F3. The Eelgrass Monitoring Plan shall include the following minimum requirements:

a. Locations of monitoring: A map showing locations of eelgrass beds, transects, and sampling sites along each transect, to be monitored at both:
   i. The project site.
   ii. A control area adjacent to but outside of the project impact area.

b. Timing of monitoring:
   i. Each construction season, during the month of September, **and**

ii. Years 1, 3, and 5 after in-water construction work is completed, during the month of September.

c. Contingency: A contingency (additional mitigation such as repair or replanting eelgrass beds or offsite mitigation) shall be included for potential losses of eelgrass.

d. Monitoring Report Submittal:
   i. An analysis to detect a significant change between pre- and post-project construction at the impact and control site
   ii. Quality assurance and quality control procedures including procedures to ensure survey data collected in the post-construction survey is similar to the baseline survey and can replicate the transects and sample locations.
   iii. The data analysis and how the data will be reported.
   iv. Monitoring reports shall be submitted by December 31 of each monitoring year.

F4. A significant change in eelgrass density that persists for two (2) or more monitoring periods shall result in additional compensatory mitigation.

G. Operational Conditions:

G1. The Applicant shall provide and utilize an oily waste collection system to receive oily bilge water from ships' overboard drain systems, with two ship-to-shore connections and secondary containment. Three-way valves shall be provided at these connections in order to handle oily bilge water and waste oil.

G2. All oil or fuel transfer areas on deck shall include appropriate spill containment and/or discharge to a waste oil tank.

G3. The Applicant shall provide and utilize a sanitary sewer system to discharge sanitary sewage to an existing sanitary lift station, including secondary containment.

G4. Appropriate screening, as well as leak detection and inspection protocols, shall be implemented in order to prevent spills from the utility lines (e.g., sewage) located on the wharf.

G5. Pressure washing shall only take place in areas that drain to the sanitary sewer or in contained locations that can be pumped out for disposal.

G6. All outdoor blasting or painting shall be contained by appropriate covers and tarps, and accumulated particulates swept and vacuumed at the conclusion of each work day.

G7. All containerized materials (e.g., fuels, paints, solvents, waste oil, antifreeze, and batteries) shall be labeled and stored in contained areas.

G8. All engine maintenance shall be conducted indoors or at an appropriate engine shop.

G9. Material handling (e.g., fueling, paint and solvent mixing, disposal of process wastewater streams from vessels) shall be conducted indoors to the maximum extent practicable.

H. Emergency/Contingency Measures:

H1. The Applicant shall develop and implement a Spill Prevention and Containment Plan for all aspects of this project.

H2. The Applicant shall have adequate and appropriate spill response materials on hand to respond to emergency release of petroleum products or any other material into waters of the state.

H3. 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.

H4. 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, or onto land with a potential for entry into state waters, is prohibited. If these occur, the Applicant shall immediately take the following actions:

a. Cease operations at the location of the violation or spill.

b. Assess the cause of the water quality problem and take appropriate measures to correct the problem and/or prevent further environmental damage.

c. Notify Ecology of the failure to comply. All oil spills shall be reported immediately to Ecology's 24-Hour Spill Response Team at 1-800-258-5990, **and** within 24 hours of spills or other events to Ecology's 401/CZM Federal Project Manager at (425) 649-7129 or (425) 649-7000.

d. Submit a detailed written report to Ecology 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.

I. Reporting and Notification Requirement Conditions

I1. The Applicant shall provide to Ecology's 401/CZM Federal Permit Manager a copy of the final Corps permit within 2 weeks of receipt of the permit. A copy shall be submitted per condition A2 above.

I2. If the project construction is not completed within 13 months of issuance of this Order, the Applicant shall submit per Condition A2 a written construction status report and submit status reports every 12 months until construction and planting is complete.

YOUR RIGHT TO APPEAL

You have a right to appeal this Order to the Pollution Control Hearing Board (PCHB) within 30 days of the date of receipt of this Order. The appeal process is governed by Chapter 43.21B RCW and Chapter 371-08 WAC. "Date of receipt" is defined in RCW 43.21B.001(2).

To appeal you must do all of the following within 30 days of the date of receipt of this Order:

- File your appeal and a copy of this Order with the PCHB (see addresses below). Filing means actual receipt by the PCHB during regular business hours.
- Serve a copy of your appeal and this Order on Ecology in paper form - by mail or in person. (See addresses below.) E-mail is not accepted.

You must also comply with other applicable requirements in Chapter 43.21B RCW and Chapter 371-08 WAC.

ADDRESS AND LOCATION INFORMATION

Street Addresses	Mailing Addresses
Department of Ecology Attn: Appeals Processing Desk 300 Desmond Drive SE Lacey, WA 98503	**Department of Ecology** Attn: Appeals Processing Desk PO Box 47608 Olympia, WA 98504-7608
Pollution Control Hearings Board 1111 Israel RD SW STE 301 Tumwater, WA 98501	**Pollution Control Hearings Board** PO Box 40903 Olympia, WA 98504-0903

8/10/12

Geoff Tallent, Section Manager
Shorelands and Environmental Assistance Program
Northwest Regional Office

August 10, 2012

ATTACHMENT A

NAVAL BASE KITSAP
NAVAL BASE KITSAP AT BANGOR EXPLOSIVES HANDLING WHARF NUMBER 2 PROJECT
Water Quality Certification Order #9157

Statement of Understanding of
Water Quality Certification Conditions

I have read and understand the conditions of Order #9157 Section 401 Water Quality Certification for the Naval Base Kitsap at Bangor Explosives Handling Wharf Number 2 Project. I have also read and understand all permits, plans, documents, and approvals associated with the project referenced in this Order.

_____ _____
Signature Date

_____
Title

_____
Company