



STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY

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

August 31, 2011

Skamania County Facilities and Recreation
Attn: Mr. Scott Pineo
Hedgewald Center
710 SW Rock Creek Drive
P.O. Box 790
Stevenson, WA 98648

Re: Water Quality Certification Order No. **8702** for Corps Public Notice No. NWS-2009-1014 to replace an existing boat launch facility at the mouth of the Wind River, Skamania County, Washington.

Dear Mr. Pineo:

On August 3, 2010, Skamania County Facilities and Recreation 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 of the Wind River 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 the construction of a two-lane boat ramp with access dock, transient dock, associated parking for vehicles and boat trailers, and restroom facilities. The old facilities will be decommissioned and the ramp, piling, and dock removed.

The project is located at the mouth of the Wind River in Skamania County at SR-14 (milepost 49.5). The U.S. Army Corps of Engineers issued a public notice for the proposed project on September 8, 2010.

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 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

RS:th
Enclosure

cc: Steve Manlow, U.S. Army Corps of Engineers
Andrew Jansky, Flowing Solutions
Ann Friesz, WDFW

e-cc: Lori Ochoa – SWRO, SEA
Loree' Randall – HQ
Brad Murphy – SWRO, SEA
Rebecca Schroeder – SWRO, SEA
Deborah Cornett –SWRO, WQ

BY CERTIFIED MAIL: 7010 1670 0002 4158 0770

IN THE MATTER OF GRANTING A) **ORDER #8702**
WATER QUALITY CERTIFICATION) **Corps Reference No. NWS 2009-1014**
TO) Wind River Launch and Recreation Facility,
Skamania County Facilities and) Columbia River at the mouth of the Wind River,
Recreation) Skamania County, Washington
in accordance with 33 U.S.C. 1341 (FWPCA)
§ 401), RCW 90.48.120, RCW 90.48.260,)
and Chapter 173-201A WAC)
)

TO: Skamania County Facilities and Recreation
Attn: Mr. Scott Pineo
Hedgewald Center
710 SW Rock Creek Drive
PO Box 790
Stevenson, WA 98648

On August 3, 2010, Skamania County Facilities and Recreation 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 September 8, 2010.

The proposed Wind River Launch and Recreation facility project will consist of placement of approximately 160,000 cubic yards of fill material over a 4.5-acre area within a shallow water embayment at the mouth of the Wind River to create dry land for the construction of a two-lane boat ramp with access dock, transient dock, 100 trailer parking spaces, 20 single car spaces, and public restroom facilities. The purpose of the project is to improve boat launch operations and traffic circulation to create a safer and more efficient boat-launching site. Fill material for the project will be obtained from the Rock Creek emergency dredging project. The project will integrate natural stormwater treatment, including pervious pavement and construction of a bio-swale. Mitigation measures for the project impacts, described in detail in Section E below, include:

- Approximately one acre of impervious surface will be removed through the decommissioning of the existing facility. The existing docks, ramp, rip rap, and piling will be removed and the area restored to a natural bottom;
- New shoreline will be a shallow sloping riparian area, planted with native vegetation and will be free of rip-rap;
- Woody debris will be placed in the new shoreline to provide habitat diversity and structure, within the same embayment. Riparian restoration will take place along the shoreline, including installation of large woody debris and buffer plantings.
- Walkways wider than four (4) feet will include grating or translucent panels to allow light penetration.

The project is located at the mouth of the Wind River at SR-14 at Milepost 49.5 near Carson, Skamania County, Washington, in the SW Section 27, Township 3 North, Range 8 East, WRIA No. 29, Wind-White Salmon 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.

General Conditions:

For purposes of this Order, the term "Applicant" shall mean Skamania County Facilities and Recreation and its agents, assignees, and contractors.

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, PO Box 47775, Olympia, WA 98504-7775 or by e-mail to loch461@ecy.wa.gov. Any submittals shall reference Order No. 8702 and Corps No. NWS- 2009-1014.

1. Work authorized by this Order is limited to the work described in the JARPA received by Ecology on August 3, 2010. 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.
2. 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.
3. This Order shall be rescinded if the U.S. Army Corps of Engineers does not issue a Section 404 permit.

4. This Order does not exempt, and is provisional upon, compliance with other statutes and codes administered by federal, state, and local agencies.
5. 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.
6. 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.
7. 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.
8. 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.
9. 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.
10. 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. Water Quality Conditions:

1. The Wind River is classified as "Core Summer Salmonid Habitat" and the criteria of that class apply except as specifically modified by this Order. This Order does not authorize temporary exceedances of water quality standards beyond the limits established in WAC 173-201A-200(1)(e)(i).
2. For this project, the following is considered to be an exceedance of the standard:
 - a. 5 NTU over background turbidity when the background turbidity is 50 NTU or less, or more than a ten (10) percent increase in turbidity when the background turbidity is more than 50 NTU, at the point of compliance when a turbidimeter is used.

3. During and immediately after project construction, the Applicant or their contractor shall monitor for turbidity discharges at the point of compliance as specified in WAC 173-201A-200(1)(e)(i). A turbidimeter is recommended; however, visual gauging and photo documentation of turbidity is acceptable.
4. 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 immediate action to stop, contain, or correct the problem and/or prevent further water quality turbidity exceedances. If an exceedance occurs, the Applicant shall follow the protocols and notification procedures below:
 - a. Notification of exceedances that are detected through water quality monitoring shall be made to Ecology within 24 hours of occurrence. Notification shall be made per Condition A2 above. The Applicant shall, at a minimum, provide Ecology with the following information:
 - i. A description of the nature and cause of non-compliance, including the quantity and quality of any unauthorized discharges;
 - ii. The period of non-compliance, including exact dates, duration, and times and/or the anticipated time when the Applicant will return to compliance; and
 - iii. The steps taken, or to be taken, to reduce, eliminate, and prevent recurrence of the non-compliance.
 - iv. In addition, within five (5) days after notification of an exceedance, the Applicant shall submit a written report to Ecology that describes the nature of the violation, corrective action taken and/or planned, steps to be taken to prevent a recurrence, photographs, and any other pertinent information.
 - b. Mitigation and/or additional monitoring may be required if water quality standards are not met.

C. Timing:

1. This Order will expire five (5) years from the date of issuance of the Corps permit.
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 a copy of the final Corps Permit to Ecology's Southwest Regional Office Federal Permit Manager, in accordance with condition A.2 above, within two (2) weeks of receipt of the permit.
2. Written notification (FAX, e-mail, or mail) shall be made to Ecology's Southwest Regional Office Federal Permit Manager in accordance with condition A.2 above for the following activities:
 - a. At least ten (10) days prior to the onset of in-water work in each construction season.
 - b. Within ten (10) days after the completion of construction for each construction season.
 - c. Immediately following a violation of the state water quality standards or any condition of this Order.

3. If project construction is not completed within thirteen (13) months of issuance of this Order, the Applicant shall submit a written construction status report. Status reports shall be submitted every twelve (12) months thereafter until project construction is complete.

NOTE: These notifications shall include the Applicant's name, project name, Order No. 8702, Corps Reference No. NWS-2009-1014, project location, contact name, and contact's phone number.

E. Project Mitigation:

1. Impacts to aquatic resources shall be mitigated through measures described in the *Wind River Launch And Recreation Facility Mitigation Plan*, dated June 30, 2010, revised February 28, 2011, except as modified by this Order.
2. The property owner shall grant Ecology access to the mitigation areas for inspection during the 10-year monitoring period or until mitigation success has been achieved.
3. Contingency measures and additional monitoring of the mitigation may be required by Ecology if monitoring reveals that performance measures are not being met.
4. Any changes to the mitigation plan or monitoring requirements must be approved by Ecology.
5. As-Built Report: a detailed as-built report shall be prepared after construction. The as-built report shall show any variances from the final mitigation plan. The as-built report shall be the baseline document used for all future monitoring of the mitigation project. Contents of the as-built report shall include but not be limited to:
 - a. Comments from the restoration specialist present on-site during mitigation construction;
 - b. Final site plan topography (both site plan view and typical sections) which clearly indicates the mitigation site boundary;
 - c. Photographs of the area taken from permanent photo points;
 - d. The installed planting scheme showing densities, sizes, and approximate locations of plants, as well as plant sources and time of planting; and
 - e. An analysis of any changes to the mitigation plan that occurred during construction.
 - f. Evidence that the mitigation site has been field inspected by a qualified restoration specialist during grading and planting operations, and after the planting has been completed.
6. Mitigation efforts shall be monitored by a qualified specialist for compliance with the performance standards referenced in the mitigation plan. Within 60 days of each monitoring event, two copies of the monitoring report shall be prepared by the specialist and submitted to Ecology's SW Regional Office. If the results of monitoring indicate that contingency measures are needed, the monitoring report shall include a detailed description of actions taken to rectify the deficiencies.

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 (BMPs) 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. The Applicant shall establish a separate contained area for washing down vehicles and equipment that 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 be discharged into state waters or storm drains.
4. All machinery and equipment used during project construction shall be serviced, fueled, and maintained in a confined area in order to prevent containment to waters of the state. Fueling areas shall be located a minimum of 50 feet from waters of the state, including wetlands, and shall be provided with adequate spill containment.
5. Appropriate Best Management Practices (BMPs) shall be implemented to minimize track-out during construction.
6. Clean Fill Criteria: Applicant shall ensure that fill (soil) placed for the proposed project does not contain toxic materials in toxic amounts.
7. All material removed from decommissioning the old facility and other construction debris shall be properly disposed of in an upland facility so that it cannot cause water quality degradation to state waters.
8. 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.
9. Clean de-watering water that has been tested and confirmed to meet water quality standards may be discharged directly to waters of the state.
10. 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.
11. 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.
12. 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 docks once they have been placed within or over the ordinary high water mark.
13. Re-planting of the shoreline area with native vegetation is to be fully completed within one year of completion of the project.

In-Water Work

14. The Applicant shall operate the barge(s) and tug in deep water so as to minimize the near shore propeller wash impacts such as suspension of near shore sediments.
15. The barge shall not be anchored over vegetated shallows and shall not be allowed to ground out.
16. A full-depth turbidity 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 curtain shall be inspected daily. In the event that the sediment curtain fails, project activity shall cease until the curtain is repaired or a new curtain is installed.
18. The Applicant shall have a boat available and on site during in-water activities to retrieve any debris entering the water.
19. Whenever possible, work will be conducted when the Bonneville Pool height is at its lowest level to minimize the amount of in-water work required.

Piling Removal

20. Approximately eleven (11) treated wood piles and 4 steel H piles will be removed as part of the project mitigation.
21. 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 three (3) feet below the mudline.
22. Piles removed from substrate shall be moved immediately from the water into the barge or onto uplands. The piles shall not be shaken, hosed off, left hanging to drip, or any other action intended to clean or remove adhering material from the pile.
23. All creosote-treated pilings shall be disposed of at an approved upland disposal site.

Pile Driving

24. Twelve (12) steel piles will be installed via a barge-mounted pile-driving crane.
25. Pilings shall be installed using a vibratory hammer. If proofing the steel piling requires the use of an impact pile driver, a dampening device, such as a block of wood at least six inches thick, shall be placed between the piling and the impact pile driver to attenuate noise.
26. The Applicant shall employ the use of a sound-attenuating 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 (SPCC) 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.

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 the following within 30 days of the date of receipt of this Order:

- a) 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.
- b) 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
<p>Department of Ecology Attn: Appeals Processing Desk 300 Desmond Drive SE Lacey, WA 98503</p>	<p>Department of Ecology Attn: Appeals Processing Desk PO Box 47608 Olympia, WA 98504-7608</p>

Pollution Control Hearings Board
1111 Israel Rd SW
STE 301
Tumwater, WA 98501

Pollution Control Hearings Board
PO Box 40903
Olympia, WA 98504-0903

CONTACT INFORMATION

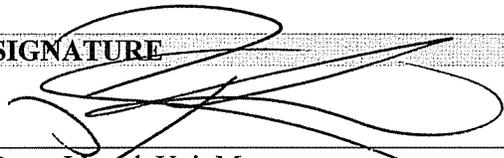
Please direct all questions about this Order to:

Lori Ochoa
Department of Ecology
Southwest Regional Office
P.O. Box 47775
Lacey, WA 98504-7775
Loch461@ecy.wa.gov

MORE INFORMATION

- c) Pollution Control Hearings Board Website
www.eho.wa.gov/Boards_PCHB.aspx
- d) Chapter 43.21B RCW - Environmental Hearings Office – Pollution Control Hearings Board
<http://apps.leg.wa.gov/RCW/default.aspx?cite=43.21B>
- e) Chapter 90.48 RCW – Water Pollution Control
<http://apps.leg.wa.gov/RCW/default.aspx?cite=90.48>
- f) Chapter 173.204 WAC – Sediment Management Standards
www.ecy.wa.gov/biblio/wac173204.html
- g) Chapter 173-200 WAC – Water Quality Standards for Ground Waters of the State of Washington
www.ecy.wa.gov/biblio/wac173200.html
- h) Chapter 173-201A WAC – Water Quality Standards for Surface Waters of the State of Washington
www.ecy.wa.gov/biblio/wac173201A.html

SIGNATURE


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

1 SEPTEMBER 2011

Date

