August 16, 2022

Spokane Conservation District
ATTN: Dan Ross
4422 E 8th Avenue
Spokane Valley, WA 99212

Re: Water Quality Certification Order No. 21303 for Corps Reference No. 202200414, Little Hangman Creek Streambank Stabilization, Whitman County, Washington

Dear Dan Ross:

On May 16, 2022, the Spokane Conservation District submitted a request for a Section 401 Water Quality Certification (WQC) under the Federal Clean Water Act for the Little Hangman Creek Streambank Stabilization project, Whitman County, Washington.

On behalf of the state of Washington, the Department of Ecology certifies that the work described in the Water Quality Certification Request and supplemental documents 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 enclosed Water Quality Certification Order (WQC Order).

Please ensure that anyone doing work under this WQC Order has read, is familiar with, and is able to follow all of the provisions within the attached WQC Order.

If you have any questions about this decision, please contact Matt Fisher by e-mail at Matt.fisher@ecy.wa.gov. The enclosed WQC Order may be appealed by following the procedures described within.

Sincerely,

Sara Hunt, Section Manager
Shorelands and Environmental Assistance Program
Eastern Region Office

Enclosure
Little Hangman Creek Streambank Stabilization
Aquatics No. 141528, Corps No. 202200414
August 16, 2022
Page 2 of 2

e: David Moore, U.S. Army Corps of Engineers
Loree’ Randall, Ecology-HQ
Matt Fisher, Ecology-ERO
ECYREFEDPERMITS@ecy.wa.gov
IN THE MATTER OF GRANTING A  
WATER QUALITY CERTIFICATION TO  
Spokane Conservation District  
pursuant to 33 U.S.C. 1341 (FWPCA § 401), RCW 90.48.120, RCW 90.48.260  
and Chapter 173-201A WAC  

) WQC ORDER No. 21303  
) Corps Reference No. 202200414  
) Little Hangman Streambank Stabilization  
) Project, Little Hangman Creek located in  

Spokane Conservation District  
4422 E 8th Avenue  
Spokane Valley, WA 99212  

On May 16, 2022, Spokane Conservation District submitted a request for a Section 401 Water Quality Certification (WQC) under the federal Clean Water Act for the Little Hangman Streambank Stabilization Project, Whitman County, Washington. The following required processing dates are referenced below:

- On May 8, 2022, the Spokane Conservation District submitted a pre-filing meeting request.
- On May 18, 2022, Spokane Conservation District submitted additional information, and the Department of Ecology (Ecology) considered the Request valid on this date.
- On June 10, 2022, the U.S. Army Corps of Engineers (Corps) sent a notice that provided a deadline for the WQC of September 18, 2022.
- On June 13, 2022, Ecology issued a public notice for the project.

The project proposes to stabilize approximately 4,570 linear feet along both banks of Little Hangman Creek. Currently the proposed site is a vertical to near vertical banks approximately 8 to 10 feet high with limited shade and/or native vegetation. The proposed project will restore floodplain connectivity through bank shaping, elevation adjustments with gravels grade controls, and establishment of native riparian vegetation. Native riparian tree/shrub species and grasses will be planted along the streamside areas affected by bank shaping and stabilization activities, with the goal of providing long-term stabilization to the reach.

The project site is located at 1051 S.R. 274, Tekoa, WA Little Hangman Creek, Whitman County, Washington, Section 18, Township 20 N., Range 46 E., within Water Resource Inventory Area (WRIA) 56 Hangman.

AUTHORITIES

In exercising authority under 33 U.S.C. § 1341, RCW 90.48.120, and RCW 90.48.260, Ecology has reviewed this WQC request 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.
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.

4. Conformance with Washington’s prohibition on discharges that cause or tend to cause pollution of waters of the state of Washington. RCW 90.48.080.

5. The project proponent of the project authorized is responsible for obtaining all other permits, licenses, and certifications that may be required by federal, state, local or tribal authorities.

With this Water Quality Certification (WQC) Order, Ecology is granting with conditions, Spokane Conservation District request for a Section 401 Water Quality Certification for the Little Hangman Streambank Stabilization Project, Hangman Creek located in Whitman County. Ecology has determined that the proposed discharges will comply with all applicable state water quality requirements, provided the project is conducted in accordance with the Section 401 Water Quality Certification request that Ecology received on May 18, 2022, the supporting documents referenced in Table 1 below, and the conditions of this WQC Order.

**Table 1. Supporting Documents**

<table>
<thead>
<tr>
<th>Date Received</th>
<th>Document Type</th>
<th>Title &amp; Date</th>
<th>Author</th>
</tr>
</thead>
<tbody>
<tr>
<td>5/16/2022</td>
<td>Joint Aquatic Resources Permit Application (JARPA) Form</td>
<td>JARPA (dated 5/12/2022)</td>
<td>Vicki Carter</td>
</tr>
<tr>
<td>05/18/2022</td>
<td>Drawings</td>
<td>Little Hangman Creek Restoration (dated 2/1/2022)</td>
<td>Restoration Engineering</td>
</tr>
<tr>
<td>05/16/2022 and 7/12/2022</td>
<td>Water Quality Monitoring Plan or Water Quality Monitoring and Protection Plan</td>
<td>Water Quality Monitoring Plan for Little Hangman Creek Streambank Stabilization and Restoration Project, May 2022, amended July 2022</td>
<td>Dan Ross</td>
</tr>
<tr>
<td>7/28/2022</td>
<td>HPA</td>
<td>Hydraulic Project Approval</td>
<td>Dan Ross</td>
</tr>
</tbody>
</table>
Issuance of this Section 401 Water Quality Certification for this proposal does not authorize Spokane Conservation District to exceed applicable state water quality standards (Chapter 173-201A WAC), ground water quality standards (Chapter 173-200 WAC), or sediment quality standards (Chapter 173-204 WAC). Furthermore, nothing in this Section 401 Water Quality Certification absolves the Spokane Conservation District from liability for contamination and any subsequent cleanup of surface waters, ground waters, or sediments resulting from project construction or operations.

**Water Quality Certification Conditions**

The following conditions will be incorporated into the Corps permit and strictly adhered to by the Spokane Conservation District. Specific condition justifications and citations required by 40 CFR 121.7(d)(1) are provided below each condition in *italic text*.

**A. General Conditions**

1. In this WQC Order, the term “Project Proponent” shall mean the Spokane Conservation District and its agents, assignees, and contractors.
   - Justification - Ecology needs to identify that conditions of this WQC Order apply to anyone conducting work on behalf of the Project Proponent to ensure compliance with the water quality standards and other applicable state laws.
   - Citation - 40 CFR 121.1(j), Chapter 90.48 RCW, Chapter 90.48.080 RCW, Chapter 90.48.120 RCW, Chapter 90.48.260 RCW, Chapter 173-200 WAC, Chapter 173-201A WAC, and Chapter 173-225-010 WAC.

2. All submittals required by this WQC Order shall be sent to Ecology’s Headquarters Office, Attn: Federal Permit Manager, via e-mail to fednotification@ecy.wa.gov and cc to Matt.Fisher@ecy.wa.gov. The submittals shall be identified with WQC Order 21303 and include the Project Proponent’s name, Corps permit number, project name, project contact, and the contact phone number.
   - Justification - Ecology needs to identify where information and submittals are to be submitted to be in compliance with the requirements of this WQC Order.
   - Citation - 40 CFR 121, Chapter 90.48 RCW, Chapter 90.48.120 RCW, Chapter 90.48.260 RCW, Chapter 173-201A WAC, and Chapter 173-225-010 WAC.

3. Work authorized by this WQC Order is limited to the work described in the WQC request package received by Ecology on May 16, 2022 and the supporting documentation identified in Table 1.
   - Justification - Ecology has the authority to prevent and control pollution of state waters. By authorizing a discharge into a water of the state, through a WQC, Ecology is certifying the project as proposed will not negatively impact our state’s
water quality. Therefore, it is imperative the project is conducted as it was presented during the review process. Any deviations from information within the WQC Request package and this WQC Order must be disclosed prior to the initiation of the planned work.

- Citation - 40 CFR 121.5, Chapter 90.48 RCW, Chapter 90.48.030 RCW, Chapter 90.48.120 RCW, Chapter 90.48.260 RCW, Chapter 173-200 WAC, Chapter 173-201A WAC, Chapter 173-204 WAC, and Chapter 173-225-010 WAC.

4. The Project Proponent shall keep copies of this WQC 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.
   - Justification - All parties (including on-site contractors) must be aware of and comply with the WQC Order for the protection of water quality.
   - Citation - 40 CFR 121.3, Chapter 90.48 RCW, Chapter 90.48.030 RCW, Chapter 173-201A WAC, and Chapter 173-225-010 WAC.

5. The Project Proponent shall provide access to the project site and all mitigation sites upon request by Ecology personnel for site inspections, monitoring, and/or necessary data collection, to ensure that conditions of this WQC Order are being met.
   - Justification - Ecology must be able to investigate and inspect construction sites and facilities for compliance with all state rules and laws.
   - Citation - Chapter 90.48 RCW, Chapter 90.48.030 RCW, Chapter 90.48.090 RCW, Chapter 173-201A WAC, and Chapter 173-225-010 WAC.

6. The Project Proponent shall ensure that all project engineers, contractors, and other workers at the project site with authority to direct work have read and understand relevant conditions of this WQC Order and all permits, approvals, and documents referenced in this WQC Order. The Project Proponent shall provide Ecology a signed statement (see Attachment A for an example) before construction begins.
   - Justification - Ecology needs to ensure that anyone conducting work at the project, on behalf of the Project Proponent, are aware of and understand the required conditions of this WQC Order to ensure compliance with the water quality standards and other applicable state laws.
   - Citation - 40 CFR 121.1(jj), Chapter 90.48 RCW, Chapter 90.48.030 RCW, Chapter 173-201A WAC, and Chapter 173-225-010 WAC.

7. This WQC 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 WQC Order.
   - Justification - Ecology has the authority to prevent and control pollution of state waters, and to protect designated uses. By authorizing a discharge into a water of
the state, through a water quality certification, we are certifying the project as
proposed will not negatively impact our state’s water quality and will comply with
the state’s water quality requirements. Therefore, it is imperative the project is
conducted as it was presented during the review process, and as conditioned herein.

- Citation - Chapter 90.48 RCW, Chapter 90.48.030 RCW, Chapter 173-200 WAC,
  Chapter 173-201A WAC, Chapter 173-201A-300(2)(e)(i) WAC, Chapter 173-201A-310
  WAC, Chapter 173-204-120 WAC, and Chapter 173-225-010 WAC.

8. Failure of any person or entity to comply with the WQC Order may result in the issuance of
civil penalties or other actions, whether administrative or judicial, to enforce the state’s
water quality standards.

- Justification - Ecology must protect waters of the state from all discharges and
  potential discharges of pollution that can affect water quality to protect aquatic life
  and beneficial uses. Civil penalties and other enforcement actions are the primary
  means of securing compliance with water quality requirements.

- Citation - Chapter 90.48 RCW, Chapter 90.48.030 RCW, Chapter 90.48.037 RCW,
  Chapter 90.48.080 RCW, Chapter 90.48.120 RCW, Chapter 90.48.142 RCW, Chapter
  90.48.144 RCW, and Chapter 173-225-010 WAC.

9. The Project Proponent shall provide Ecology documentation for review before undertaking
any major changes to the proposed project that could significantly and adversely affect
water quality, other than those project changes required by this WQC Order.

- Justification - Ecology has independent authority to enforce our 401 certification
  conditions issued through this WQC Order pursuant to RCW 90.48. In order to ensure
  the project will comply with water quality standards in the event of any major
  changes, Ecology must be able to review the scope of work involved in the
  construction and operation of the project. Otherwise, all work must stop and a new
  401 certification pre-filing meeting, followed by a new 401 request (after requisite
  30-days) is required.

- Citation - 40 CFR 121.1(k) & (n), 40 CFR 121.3, Chapter 90.48 RCW, and Chapter 173-
  201 WAC.

10. The Project Proponent shall send (per A.2.) a copy of the final Corps permit to Ecology’s
Federal Permit Manager within two weeks of receiving it.

- Justification - This condition is needed to ensure that all the conditions of the WQC
  Order have been incorporated into the federal permit.

- Citation - 40 CFR 121.10.

11. Nothing in this WQC Order waives Ecology’s discretionary authority to issue additional
Orders if Ecology determines that further actions are necessary to implement the water
quality laws of the state.
• **Justification** - Ecology must protect waters of the state from all discharges and potential discharges of pollution that can affect water quality to protect aquatic life and beneficial uses.
• **Citation** - Chapter 90.48.120 RCW, Chapter 173-201A WAC, and Chapter 173-225-010 WAC.

12. This Order will automatically transfer to a new owner or operator if:
   a. A written agreement between the Project Proponent and new owner or operator with the specific transfer date of the WQC Order’s obligations, coverage, and liability is submitted to Ecology per condition A.2.;
   b. A copy of this Order is provided to the new owner or operator; and
   c. Ecology does not notify the new Project Proponent that a new WQC Order is required to complete the transfer.
   • **Justification** – Ecology needs to ensure that anyone conducting work at the project, including any new owners or operators, are aware of and understand the required conditions of this WQC Order to ensure compliance with the water quality standards and other applicable state laws.
   • **Citation** – 40 CFR 121.3, Chapter 90.48 RCW, Chapter 90.48.030 RCW, Chapter 173-201A WAC, and Chapter 173-225-010 WAC.

**B. Notification Requirements**

1. The following notification shall be made via phone or e-mail (e-mail is preferred) to Ecology’s Federal Permit Manager via e-mail to fednotification@ecy.wa.gov and cc to Matt.Fisher@ecy.wa.gov. Notifications shall be identified with WQC Order 21303 Corps reference #202200414, and include the Project Proponent name, project name, project location, project contact and the contact phone number.
   a) Immediately following a violation of state water quality standards or when the project is out of compliance with any conditions of this WQC Order.
   b) At least ten (10) days prior to all pre-construction meetings.
   c) At least ten (10) days prior to conducting initial in-water work activities.
   d) Within seven (7) days of completing in-water work activities. (NOTE: If multiple years say “of each in-water work window” or for dredging “each dredging cycle”)
   • **Justification** - Ecology must be aware of when a project starts and ends and whether there are any issues. This allows Ecology to evaluate compliance with the state water quality requirements.
   • **Citation** - Chapter 90.48 RCW, Chapter 90.48.030 RCW, Chapter 173-201A WAC, Chapter 173-201A-300-330 WAC, Chapter 173-204 WAC, and Chapter 173-225-010 WAC.
2. In addition to the phone or e-mail notification required under B.1.a. above, the Project Proponent shall 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.
   - **Justification** - Ensure the Project Proponent remains in full compliance with state water quality requirements for the duration of the project.
   - **Citation** - Chapter 90.48 RCW, Chapter 90.48.120 RCW, Chapter 173-201A WAC, and Chapter 173-225-010 WAC.

3. If the project construction is not completed within 13 months of issuance of this WQC Order, the Project Proponent shall submit per Condition A2 a written construction status report and submit status reports every 12 months until construction and mitigation are completed.
   - **Justification** - Ecology must be aware of when a project starts and ends and whether there are any issues. This allows Ecology to evaluate compliance with the state water quality requirements.
   - **Citation** - Chapter 90.48 RCW, Chapter 90.48.030 RCW, Chapter 173-201A WAC, Chapter 173-201A-300-330 WAC, Chapter 173-204 WAC, and Chapter 173-225-010 WAC.

C. **Timing**

1. This WQC Order is effective upon issuance of the U.S. Corps of Engineers (Corps) permit for this project and will remain valid for the duration of the associated permit for the project.
   - **Justification** – Certifications are required for any license or permit that authorizes an activity that may result in a discharge or fill material into waters. This WQC Order is not valid until the Federal agency issues a permit. Additionally, Ecology needs to be able to specify how long the WQC Order will be in effect.
   - **Citation** – Chapter 90.48 RCW, Chapter 173-201A, and Chapter 173-225-010 WAC.

2. The following in-water work windows apply to the project:
   a) All activities within the wetted perimeter of the Little Hangman Creek may begin after September 1, 2022, and must be completed by December 31, 2023. All work must be done when the creek is dry or running at a minimum level (low flow).
   b) All activities in the drainage channels shall be conducted between July 1st and December 31st of any year. To the extent practicable, work within the drainage channels shall be conducted after September 1.
• Justification - This condition is reaffirming the project will take place during a time period that will not harm fish or other aquatic species.
• Citation - Chapter 77.55 RCW, Chapter 90.48 RCW, Chapter 90.48.030 RCW, Chapter 90.48.080 RCW, Chapter 173-201A WAC, Chapter 173-201A-300 WAC, Chapter 173-201A-330 WAC, Chapter 173-225-010 WAC, and Chapter 220-660 WAC.

3. Any project change that requires a new or revised Hydraulic Project Approval (HPA) from the Department of Fish and Wildlife should be sent to Ecology for review before the change is implemented.
• Justification - This condition is reaffirming the project will take place during a time period that will not harm fish or other aquatic species.
• Citation - Chapter 77.55 RCW, Chapter 90.48 RCW, Chapter 90.48.030 RCW, Chapter 90.48.080 RCW, Chapter 173-201A WAC, Chapter 173-201A-300 WAC, Chapter 173-201A-330 WAC, Chapter 173-225-010 WAC, and Chapter 220-660 WAC.

D. Water Quality Monitoring & Criteria

1. This WQC Order does not authorize the Project Proponent to exceed applicable water quality standards beyond the limits established in WAC 173-201A.
   • Justification - This condition provides citation to the appropriate water quality standard criteria to protect surface waters of the state. Ecology must protect waters of the state from all discharges and potential discharges of pollution that can affect water quality to protect aquatic life and beneficial uses.
   • Citation - Chapter 90.48 RCW, Chapter 90.48.030 RCW, Chapter 90.48.080 RCW, Chapter 173-201A WAC, Chapter 173-201A-300-330 WAC, Chapter 173-204-120 WAC, and Chapter 173-225-010 WAC.

2. This WQC Order does not authorize the Project Proponent to exceed applicable turbidity standards beyond the limits established in WAC 173-201A 200(1)(e)(i).
   • Justification - This condition provides citation to the appropriate water quality standard criteria to protect surface waters of the state. Ecology must protect waters of the state from all discharges and potential discharges of pollution that can affect water quality to protect aquatic life and beneficial uses.
   • Citation - Chapter 90.48 RCW, Chapter 90.48.030 RCW, Chapter 90.48.080 RCW, Chapter 173-201A WAC, Chapter 173-201A-300-330 WAC, Chapter 173-204-120 WAC, and Chapter 173-225-010 WAC.

   a. Temporary area of mixing for turbidity established within the state water quality standards for fresh waters (WAC 173-201A-200) is as follows:
i. For waters up to 10 cfs flow at the time of construction, the point of compliance shall be one hundred feet downstream from the activity causing the turbidity exceedance.

ii. For waters above 10 cfs up to 100 cfs flow at the time of construction, the point of compliance shall be two hundred feet downstream of the activity causing the turbidity exceedance.

iii. For waters above 100 cfs flow at the time of construction, the point of compliance shall be three hundred feet downstream of the activity causing the turbidity exceedance.

iv. For projects working within or along lakes, ponds, wetlands, or other non-flowing waters, the point of compliance shall be at a radius of one hundred fifty feet from the activity causing the turbidity exceedance.

- **Justification** - Ecology must protect waters of the state from all discharges and potential discharges of pollution and know if there are exceedances of the water quality standards that protect aquatic life and beneficial uses.
- **Citation** - Chapter 90.48 RCW, Chapter 90.48.030 RCW, Chapter 90.48.080 RCW, Chapter 173-201A WAC, Chapter 173-201A-300-330 WAC, Chapter 173-204-120 WAC, and Chapter 173-225-010 WAC.

2. If water quality exceedances for turbidity are observed outside the point of compliance, work shall cease immediately and the Project Proponent or the contractor shall assess the cause of the water quality problem and take immediate action to stop, contain, and correct the problem and prevent further water quality turbidity exceedances.

- **Justification** - Ecology must protect waters of the state from all discharges and potential discharges of pollution and know if there are exceedances of the water quality standards that protect aquatic life and beneficial uses.
- **Citation** - Chapter 90.48 RCW, Chapter 90.48.030 RCW, Chapter 90.48.080 RCW, Chapter 173-201A WAC, Chapter 173-201A-300-330 WAC, Chapter 173-204-120 WAC, and Chapter 173-225-010 WAC.

3. Visible turbidity anywhere beyond the temporary area of mixing (point of compliance) from the activity shall be considered an exceedance of the standard.

- **Justification** - Ecology must protect waters of the state from all discharges and potential discharges of pollution and know if there are exceedances of the water quality standards that protect aquatic life and beneficial uses.
- **Citation** - Chapter 90.48 RCW, Chapter 90.48.030 RCW, Chapter 90.48.080 RCW, Chapter 173-201A WAC, Chapter 173-201A-300-330 WAC, Chapter 173-204-120 WAC, and Chapter 173-225-010 WAC.
4. The Project Proponent shall comply with the point of compliance for turbidity identified in Table 2.

<table>
<thead>
<tr>
<th>Activity</th>
<th>Waterbody</th>
<th>Point of Compliance</th>
<th>Larger Area of Mixing Authorized?</th>
</tr>
</thead>
<tbody>
<tr>
<td>Streambank Stabilization</td>
<td>Little Hangman Creek</td>
<td>100 ft downstream</td>
<td>N</td>
</tr>
</tbody>
</table>

- **Justification** - This condition is necessary to ensure that the monitoring as proposed by the Project Proponent and authorized by Ecology is conducted to protect water quality. Ecology must protect waters of the state from all discharges and potential discharges of pollution that can affect water quality to protect aquatic life and beneficial uses.
- **Citation** - Chapter 90.48 RCW, Chapter 90.48.030 RCW, Chapter 90.48.080 RCW, Chapter 173-201A WAC, Chapter 173-201A-300-330 WAC, Chapter 173-204-120 WAC, and Chapter 173-225-010 WAC.

5. The Project Proponent shall conduct water quality monitoring as described in the approved Water Quality Monitoring Plan for Little Hangman Creek Streambank Stabilization and Restoration Project, May 2022, amended July 2022 as identified in Table 1 (hereafter referred to as the WQMP)

- **Justification** - Ecology must protect waters of the state from all discharges and potential discharges of pollution and know if there are exceedances of the water quality standards that protect aquatic life and beneficial uses.
- **Citation** - RCW 90.48, RCW 90.48.030, Chapter 173-201A WAC, 173-201A-300-330 and Chapter 173-225-010 WAC.

6. The Project Proponent shall implement the Water Quality Monitoring and Protection Plans proposed and approved by Ecology

- **Justification** - This condition is necessary to ensure that the monitoring and BMP’s that are proposed by the Project Proponent and authorized by Ecology are conducted to protect water quality. Ecology must protect waters of the state from all discharges and potential discharges of pollution that can affect water quality to protect aquatic life and beneficial uses.
• Citation - Chapter 90.48 RCW, Chapter 90.48.030 RCW, Chapter 90.48.080 RCW, Chapter 173-201A WAC, Chapter 173-201A-300-330 WAC, Chapter 173-204-120 WAC, and Chapter 173-225-010 WAC.

7. Monitoring results shall be submitted monthly to Ecology’s Federal Permit Manager, per condition A.2.
   • Justification - Ecology must protect waters of the state from all discharges and potential discharges of pollution and know if there are exceedances of the water quality standards that protect aquatic life and beneficial uses.
   • Citation - Chapter 90.48 RCW, Chapter 90.48.030 RCW, Chapter 90.48.080 RCW, Chapter 173-201A WAC, Chapter 173-201A-300-330 WAC, Chapter 173-204-120 WAC, and Chapter 173-225-010 WAC.

8. Ecology may ask or could use its discretionary authority to require the Project Proponent to provide mitigation and/or additional monitoring if the monitoring results indicate that the water quality standards have not been met.
   • Justification - Ecology must protect waters of the state from all discharges and potential discharges of pollution and know if there are exceedances of the water quality standards that protect aquatic life and beneficial uses.
   • Citation - RCW 90.48, 90.48, RCW 90.48.030Chapter 173-201A WAC, 173-201A-300-330 WAC, Chapter 173-204 WAC.

E. Construction

General Conditions

1. All work in and near waters of the state shall be conducted 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 maintenance and shall be maintained throughout the duration of the activity.
   • Justification - Disturbed areas without appropriate BMP’s and construction methods can discharge excess sediment to waters of the state and degrade water quality. Ecology must protect waters of the state from all discharges and potential discharges of pollution that can affect water quality to protect aquatic life and beneficial uses.
   • Citation - Chapter 90.48 RCW, Chapter 90.48.030 RCW, Chapter 90.48.080 RCW, Chapter 173-201A WAC, Chapter 173-201A-300-330 WAC, Chapter 173-204-120 WAC, and Chapter 173-225-010 WAC.

2. All clearing limits, stockpiles, staging areas, and trees to be preserved shall clearly be marked prior to commencing construction activities and maintained until all work is completed for each project.
• Justification - Ensures that the project proponent preserves sensitive areas from discharges and potential discharges of pollution that can affect water quality to protect aquatic life and beneficial uses.
• Citation - Chapter 90.48 RCW, Chapter 90.48.030 RCW, Chapter 90.48.080 RCW, Chapter 173-201A WAC, Chapter 173-201A-300-330 WAC, Chapter 173-204-120 WAC, and Chapter 173-225-010 WAC.

3. No stockpiling or staging of materials shall occur at or below the OHWM of any waterbody.
• Justification - Ecology must protect waters of the state from all discharges and potential discharges of pollution that can affect water quality to protect aquatic life and beneficial uses.
• Citation - Chapter 90.48 RCW, Chapter 90.48.030 RCW, Chapter 90.48.080 RCW, Chapter 173-201A WAC, Chapter 173-201A-300-330 WAC, Chapter 173-204-120 WAC, and Chapter 173-225-010 WAC.

4. The Project Proponent shall obtain and comply with the conditions of the Construction Stormwater General Permit (National Pollutant Discharge Elimination System - NPDES) issued for this project.
• Justification - Ecology must protect waters of the state from all discharges and potential discharges of pollution that can affect water quality to protect aquatic life and beneficial uses.
• Citation - Chapter 90.48 RCW, Chapter 90.48.030 RCW, Chapter 90.48.080 RCW, Chapter 173-201A WAC, Chapter 173-201A-300-330 WAC, Chapter 173-204-120 WAC, and Chapter 173-225-010 WAC.

5. All clearing limits, stockpiles, staging areas, and trees to be preserved shall clearly be marked prior to commencing construction activities and maintained until all work is completed for each project.
• Justification - Ecology must protect waters of the state from all discharges and potential discharges of pollution that can affect water quality to protect aquatic life and beneficial uses.
• Citation - Chapter 90.48 RCW, Chapter 90.48.030 RCW, Chapter 90.48.080 RCW, Chapter 173-201A WAC, Chapter 173-201A-300-330 WAC, Chapter 173-204-120 WAC, and Chapter 173-225-010 WAC.

6. No petroleum products, fresh concrete, lime or concrete, chemicals, or other toxic or deleterious materials shall be allowed to enter waters of the state.
• Justification - Ecology must protect waters of the state from all discharges and potential discharges of pollution that can affect water quality to protect aquatic life and beneficial uses.
7. All construction debris, excess sediment, and other solid waste material shall be properly managed and disposed of in an upland disposal site approved by the appropriate regulatory authority.
   - **Justification** - Ecology must be assured that the Project Proponent is managing and disposing of material to protect waters of the state from all discharges and potential discharges of pollution that can affect water quality to protect aquatic life and beneficial uses.
   - **Citation** - Chapter 90.48 RCW, Chapter 90.48.030 RCW, Chapter 90.48.080 RCW, Chapter 173-201A WAC, Chapter 173-201A-300-330 WAC, Chapter 173-204-120 WAC, and Chapter 173-225-010 WAC.

8. All equipment being used below the ordinary high water mark shall utilize biodegradable hydraulic fluid.
   - **Justification** - Ecology must protect waters of the state from all discharges and potential discharges of pollution that can affect water quality to protect aquatic life and beneficial uses.
   - **Citation** - Chapter 90.48 RCW, Chapter 90.48.030 RCW, Chapter 90.48.080 RCW, Chapter 173-201A WAC, Chapter 173-201A-300-330 WAC, Chapter 173-204-120 WAC, and Chapter 173-225-010 WAC.

**Equipment & Maintenance**

9. Staging areas will be located a minimum of 50 feet and, where practical, 200 feet, from waters of the state including wetlands.
   - **Justification** - Requiring a minimum setback ensures that material will not end up in waters of the state. Ecology must protect waters of the state from all discharges and potential discharges of pollution that can affect water quality to protect aquatic life and beneficial uses.
   - **Citation** - Chapter 90.48 RCW, Chapter 90.48.030 RCW, Chapter 90.48.080 RCW, Chapter 173-201A WAC, Chapter 173-201A-300-330 WAC, Chapter 173-204-120 WAC, and Chapter 173-225-010 WAC.

10. Equipment used for this project shall be free of external petroleum-based products while used around the waters of the state, including wetlands. Accumulation of soils or debris shall be removed from the drive mechanisms (wheels, tires, tracks, etc.) and the undercarriage of equipment prior to its use around waters of the state, including wetlands.
11. No equipment shall enter, operate, be stored or parked within any sensitive area except as specifically provided for in this WQC Order.
   • Justification - Ecology must protect waters of the state from all discharges and potential discharges of pollution that can affect water quality to protect aquatic life and beneficial uses.
   • Citation - Chapter 90.48 RCW, Chapter 90.48.030 RCW, Chapter 90.48.080 RCW, Chapter 90.56 RCW, Chapter 173-201A WAC, Chapter 173-201A-300-330 WAC, Chapter 173-204-120 WAC, and Chapter 173-225-010 WAC.

12. 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.
   • Justification - Ecology must protect waters of the state from all discharges and potential discharges of pollution that can affect water quality to protect aquatic life and beneficial uses.
   • Citation - Chapter 90.48 RCW, Chapter 90.48.030 RCW, Chapter 90.48.080 RCW, Chapter 173-200, Chapter 173-201A WAC, Chapter 173-201A-300-330 WAC, Chapter 173-204-120 WAC, and Chapter 173-225-010 WAC.

13. Wash water containing oils, grease, or other hazardous materials resulting from washing of equipment or working areas shall not be discharged into state waters. The Project Proponent shall set up a designated area for washing down equipment.
   • Justification - Ecology must protect waters of the state from all discharges and potential discharges of pollution that can affect water quality to protect aquatic life and beneficial uses.
   • Citation - Chapter 90.48 RCW, Chapter 90.48.030 RCW, Chapter 90.48.080 RCW, Chapter 90.56 RCW, Chapter 173-201A WAC, Chapter 173-201A-300-330 WAC, Chapter 173-204-120 WAC, and Chapter 173-225-010 WAC.

14. Turbidity curtains shall be properly deployed and maintained in order to minimize turbidity and re-suspension of sediment.
   • Justification - This condition would ensure containment and limit movement of sediment that could cause water quality exceedances. Ecology must protect waters
of the state from all discharges and potential discharges of pollution that can affect water quality to protect aquatic life and beneficial uses.

- Citation - Chapter 90.48 RCW, Chapter 90.48.030 RCW, Chapter 90.48.080 RCW, Chapter 173-201A WAC, Chapter 173-201A-300-330 WAC, Chapter 173-204-120 WAC, and Chapter 173-225-010 WAC.

15. A separate area shall be set aside, which does not have any possibility of draining to surface waters, for the wash out of concrete delivery trucks, pumping equipment, and tools.

- Justification - Ecology must protect waters of the state from all discharges and potential discharges of pollution that can affect water quality to protect aquatic life and beneficial uses.

- Citation - Chapter 90.48 RCW, Chapter 90.48.030 RCW, Chapter 90.48.080 RCW, Chapter 173-201A WAC, Chapter 173-201A-300-330 WAC, Chapter 173-204-120 WAC, and Chapter 173-225-010 WAC.

**Culvert Work & Stream Bypass**

16. Stream flow isolation work shall not scour the stream channel or banks of the water body in which the work is being done.

- Justification - Scour and erosion could cause long term instability of the project and contribute to water quality impacts. Ecology must protect waters of the state from all discharges and potential discharges of pollution that can affect water quality to protect aquatic life and beneficial uses.

- Citation - Chapter 90.48 RCW, Chapter 90.48.030 RCW, Chapter 90.48.080 RCW, Chapter 173-201A WAC, Chapter 173-201A-300-330 WAC, Chapter 173-204-120 WAC, and Chapter 173-225-010 WAC.

17. To minimize sediment releases into downstream water, water reintroduced to the channel shall be done gradually and at a rate not exceeding the normal stream flow.

- Justification - Maintaining natural stream flow rate is important for maintaining beneficial uses and preventing water quality impacts. Ecology must protect waters of the state from all discharges and potential discharges of pollution that can affect water quality to protect aquatic life and beneficial uses.

- Citation - Chapter 90.48 RCW, Chapter 90.48.030 RCW, Chapter 90.48.080 RCW, Chapter 173-201A WAC, Chapter 173-201A-300-330 WAC, Chapter 173-204-120 WAC, and Chapter 173-225-010 WAC.

**Bank Stabilization**

18. Prior to returning stream flow to the de-watered work area, all proposed bank protection measures shall be in place.
• Justification - Unprotected banks could erode, causing bank instability and contribute to water quality impacts. Ecology must protect waters of the state from all discharges and potential discharges of pollution that can affect water quality to protect aquatic life and beneficial uses.
• Citation - Chapter 90.48 RCW, Chapter 90.48.030 RCW, Chapter 90.48.080 RCW, Chapter 173-201A WAC, Chapter 173-201A-300-330 WAC, Chapter 173-204-120 WAC, and Chapter 173-225-010 WAC.

F. Emergency/Contingency Measures
1. The Project Proponent shall develop and implement a spill prevention and containment plan for this project.
   • Justification - Ecology must ensure that the Project Proponent has a plan to prevent pollution from entering waterways. Ecology must protect waters of the state from all discharges and potential discharges of pollution that can affect water quality to protect aquatic life and beneficial uses.
   • Citation - Chapter 90.48 RCW, Chapter 90.48.030 RCW, Chapter 90.48.080 RCW, Chapter 90.56 RCW, Chapter 90.56.280 RCW, Chapter 173-201A WAC, Chapter 173-201A-300-330 WAC, Chapter 173-204-120 WAC, Chapter 173-225-010 WAC, and Chapter 173-303-145 WAC.

2. The Project Proponent shall have adequate and appropriate spill response and cleanup materials available on site to respond to any release of petroleum products or any other material into waters of the state.
   • Justification - Ecology must have assurance that the Project Proponent has the material readily available in WQC Order to address any spills that might occur to protect waters of the state. Ecology must protect waters of the state from all discharges and potential discharges of pollution that can affect water quality to protect aquatic life and beneficial uses.
   • Citation - Chapter 90.48 RCW, Chapter 90.48.030 RCW, Chapter 90.48.080 RCW, Chapter 90.56 RCW, Chapter 90.56.280 RCW, Chapter 173-201A WAC, Chapter 173-201A-300-330 WAC, Chapter 173-204-120 WAC, Chapter 173-225-010 WAC, and Chapter 173-303-145 WAC.

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.
   • Justification - Ecology must protect waters of the state from all discharges and potential discharges of pollution that can affect water quality to protect aquatic life and beneficial uses.
   • Citation - Chapter 90.48 RCW, Chapter 90.48.030 RCW, Chapter 90.48.080 RCW, Chapter 90.56 RCW, Chapter 90.56.280 RCW, Chapter 173-201A WAC, Chapter 173-201A-300-330 WAC, Chapter 173-204-120 WAC, Chapter 173-225-010 WAC, and Chapter 173-
4. Work causing distressed or dying fish and discharges of oil, fuel, or chemicals into state waters or onto land with a potential for entry into state waters is prohibited. If such work, conditions, or discharges occur, the Project Proponent shall notify Ecology’s Federal Permit Manager per condition A2 and immediately take the following actions:
   a. Cease operations at the location of the non-compliance.
   b. Assess the cause of the water quality problem and take appropriate measures to correct the problem and prevent further environmental damage.
   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 material and used cleanup materials.
   d. Immediately notify Ecology’s Regional Spill Response Office and the Washington State Department of Fish & Wildlife with the nature and details of the problem, any actions taken to correct the problem, and any proposed changes in operation to prevent further problems.
   e. Immediately notify the National Response Center at 1-800-424-8802, for actual spills to water only.

   • Justification - This condition is necessary to prevent oil and hazardous materials spills from causing environmental damage and to ensure compliance with water quality requirements. The sooner a spill is reported, the quicker it can be addressed, resulting in less harm. Ecology must protect waters of the state from all discharges and potential discharges of pollution that can affect water quality to protect aquatic life and beneficial uses.

   • Citation - Chapter 90.48 RCW, Chapter 90.48.030 RCW, Chapter 90.48.080 RCW, Chapter 90.56 RCW, Chapter 90.56.280 RCW, Chapter 173-201A WAC, Chapter 173-201A-300-330 WAC, Chapter 173-204-120 WAC, Chapter 173-225-010 WAC, and Chapter 173-303-145 WAC.

5. Notify Ecology’s Regional Spill Response Office immediately if chemical containers (e.g. drums) are discovered on-site or any conditions present indicating disposal or burial of chemicals on-site that may impact surface water or ground water.

   • Justification - Oil and hazardous materials spills cause environmental damage. The sooner a spill is reported, the quicker it can be addressed, resulting in less harm. Ecology must protect waters of the state from all discharges and potential discharges of pollution that can affect water quality to protect aquatic life and beneficial uses.
Your right to appeal

You have a right to appeal this Order to the Pollution Control Hearings Board (PCHB) within 30 days of the date of receipt. The appeal process is governed by RCW 43.21B and WAC 371-08. “Date of receipt” is defined in RCW 43.21B.001(2). More information is available at https://eluho.wa.gov/content/11.

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

- File your notice of appeal and a copy of this Order with the PCHB (see filing options below). “Filing” means actual receipt by the PCHB during regular business hours as defined in WAC 371-08-305 and -335. “Notice of appeal” is defined in WAC 371-08-340.
- Serve a copy of your notice of appeal and this Order on the Department of 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 RCW 43.21B and WAC 371-08.

Filing an appeal with the PCHB:

For the most current information regarding filing with the PCHB, visit: https://eluho.wa.gov/content/11

Filing by mail
Mailing Address:
Pollution Control Hearings Board
PO Box 40903
Olympia, WA  98504-0903

Filing electronically
Email address:  pchb-shbappeals@eluho.wa.gov

Filing in person (or by certified mail/courier)
Street Address:
Pollution Control Hearings Board
1111 Israel RD SW, Suite 301
Tumwater, WA  98501
Serving a copy of the appeal on Ecology:

Electronic copies of appeals are not accepted at the Department of Ecology per WAC 371-08-305(10).

Filing by mail
Mailing Address:
Department of Ecology
Attn: Appeals Processing Desk
PO Box 47608
Olympia, WA 98504-7608

Filing in person (or by certified mail/courier)
Street Address:
Department of Ecology
Attn: Appeals Processing Desk
300 Desmond Drive SE
Lacey, WA 98503

Contact Information

Please direct all questions about this WQC Order to:

Matt Fisher
Department of Ecology
509-601-9546
Matt.Fisher@ecy.wa.gov

More Information

- Pollution Control Hearings Board Website
  http://www.eluho.wa.gov/content/11

- Chapter 43.21B RCW - Environmental and Land Use Hearings Office – Pollution Control Hearings Board
  http://app.leg.wa.gov/RCW/default.aspx?cite=43.21B

- Chapter 371-08 WAC – Practice And Procedure

- Chapter 34.05 RCW – Administrative Procedure Act
  http://app.leg.wa.gov/RCW/default.aspx?cite=34.05

- Chapter 90.48 RCW – Water Pollution Control
  http://app.leg.wa.gov/RCW/default.aspx?cite=90.48

- Chapter 173.204 WAC – Sediment Management Standards

- Chapter 173-200 WAC – Water Quality Standards for Ground Waters of the State of Washington
Chapter 173-201A WAC – Water Quality Standards for Surface Waters of the State of Washington
http://apps.leg.wa.gov/WAC/default.aspx?cite=173-201A

SIGNATURE

Dated this 16th day of August, 2022, at the Department of Ecology, Spokane, Washington

Sara Hunt, Section Manager
Shorelands and Environmental Assistance Program
Eastern Region Office
Department of Ecology
Attachment A

Statement of Understanding
Water Quality Certification Conditions

Little Hangman Streambank Stabilization Project

Water Quality Certification WQC Order No. 202200414

As the Project Proponent for Little Hangman Streambank Stabilization project, I have read and understand the conditions of Washington State Department of Ecology WQC Order No. 202200414, and any permits, plans, documents, and approvals referenced in the WQC Order. I have and will continue to ensure that all project engineers, contractors, and other workers at the project site with authority to direct work have read and understand the conditions of this WQC Order and any permits, plans, documents, and approvals referenced in the WQC Order.

__________________________________ ____________
Signature                                    Date

_____________________________ ________________________
Title      Phone

_______________________________________________________
Company