



STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY

PO Box 47600, Olympia, WA 98504-7600 • 360-407-6000

June 15, 2023

Paul and Laurie Snyder
1908 Sullivan Drive Northwest
Gig Harbor, WA 98335

Re: Water Quality Certification Order No. **21783** (Corps No. **202000483**), Sullivan Drive Northwest, Pierce County, Washington

Dear Paul and Laurie Snyder:

On March 28, 2023, Paul and Laurie Snyder submitted a request for a Section 401 Water Quality Certification (WQC) under the federal Clean Water Act for the Sullivan Drive Northwest project, Pierce 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 Erin Hanlon Brown at (360) 280-1037. The enclosed WQC Order may be appealed by following the procedures described within.

Sincerely,

Loree' Randall, Section Manager
Federal Permitting Section
Shorelands and Environmental Assistance Program

Enclosure (1)

By certified mail: 9489 0090 0027 6383 9285 48

Sent via e-mail: pbsnyder9@gmail.com

WQC Order No. 21783, Corps No. 202000483

Aquatics ID No. 139836

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E-cc: LeeAnn Simmons, U.S. Army Corps of Engineers
Racheal Villa, Soundview Consultants, LLC
Erin Hanlon Brown, Ecology
ECYREFEDPERMITS@ecy.wa.gov

In The Matter of Granting a Water Quality
Certification to Paul and Laurie Snyder
pursuant to 33 U.S.C. 1341 (FWPCA § 401), RCW 90.48.120, RCW
90.48.260 and Chapter 173-201A WAC

Paul and Laurie Snyder
1908 Sullivan Drive Northwest
Gig Harbor, WA 98335

WQC Order No.	21783
Corps Reference No.	202000483
Site Location	Sullivan Drive Northwest located within Wollochet Bay, Gig Harbor, Pierce County, Washington.

Paul and Laurie Snyder submitted a request for a Section 401 Water Quality Certification (WQC) under the federal Clean Water Act for the Sullivan Drive Northwest project, Pierce County, Washington. The following required processing dates are listed below:

- On 11/23/2021, the Paul and Laurie Snyder submitted a pre-filing meeting request.
- On 3/15/2023, the U.S. Army Corps of Engineers (Corps) sent an email notification to Ecology that they are reviewing the project for authorization under Nationwide Permit No. 3 & 18 and requires an individual Section 401.
- On 3/28/2023, Ecology received a request for Clean Water Section 401 Water Quality Certification.
- On 3/30/2023, Ecology issued a public notice for the project.

This project proposes to remove approximately 109 linear feet of creosote treated timber within an existing 120 linear foot bulkhead. The creosote timber will be replaced with sloped rock armoring. Mitigation in the form of beach nourishment will be applied to offset aquatic resource losses.

The project site is located within Wollochet Bay at 1908 Sullivan Drive Northwest, in Gig Harbor, Pierce County, Washington, Section 30, Township 21 N., Range 02 E., within Water Resource Inventory Area (WRIA) 15 Kitsap.

With this WQC Order, Ecology is granting with conditions Paul and Laurie Snyder's request for a Section 401 Water Quality Certification for the Sullivan Northwest Drive project, provided that the activity is conducted in accordance with the Section 401 Water Quality Certification request and attachments Ecology received on 3/28/2023, and the following supporting documentation:

1. E-mail letter to Ecology dated 5/22/2023, regarding the project's best management practices to work area to work in the dry.

Based on the information submitted, Ecology has determined that the discharge from the project will comply with state water quality requirements. Prior to undertaking any changes that materially alter the project, Paul and Laurie Snyder must contact Ecology to determine whether a new Section 401 Water Quality Certification is required.

Issuance of this Section 401 Water Quality Certification for this proposal does not authorize Paul and Laurie Snyder 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 Applicant from liability for contamination and any subsequent cleanup of surface waters, ground waters, or sediments resulting from project construction or operations.

1. No material may enter waters of the state during demolition activities.
 - 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, RCW 90.48.030, RCW 90.48.080, Chapter 173-201A WAC, WAC 173-201A-300 - 330, WAC 173-204-120, and WAC 173-225-010.
2. Prior to returning tidal water to the 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, RCW 90.48.030, RCW 90.48.080, Chapter 173-201A WAC, WAC 173-201A-300 - 330, WAC 173-204-120, and WAC 173-225-010.
3. Placement of rip-rap shall be conducted in compliance with water quality standards for turbidity.
 - 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, RCW 90.48.030, RCW 90.48.080, Chapter 173-201A WAC, WAC 173-201A-300 - 330, WAC 173-204-120, and WAC 173-225-010.

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, this WQC is granted with conditions to Paul and Laurie Snyder for the Sullivan Drive Northwest project.

This Certification is not effective until the U.S. Corps of Engineers (Corps) Seattle District issues a Department of the Army (DA) permit for this project. WQC Order No. **21783** will remain valid for the duration of the associated DA permit. Paul and Laurie Snyder should send a copy of the final DA permit to fednotification@ecy.wa.gov within two weeks of receiving it.

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 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 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 Chapter 43.21B RCW and Chapter 371-08 WAC.

Filing an appeal with the PCHB:

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

Address and Location Information

Street Addresses:

Department of Ecology
Attn: Appeals Processing Desk
300 Desmond Drive SE
Lacey, WA 98503

Pollution Control Hearings Board

1111 Israel RD SW

STE 301

Tumwater, WA 98501

Mailing Addresses:

Department of Ecology

Attn: Appeals Processing Desk

PO Box 47608

Olympia, WA 98504-7608

Pollution Control Hearings Board

PO Box 40903

Olympia, WA 98504-0903

E-Mail Address:

Department of Ecology

Not currently available (see Chapter 371-08 WAC)

Pollution Control Hearings Board

Pchb-shbappeals@elaho.wa.gov

Americans with Disabilities Act Information

Accommodation Requests

To request ADA accommodation including materials in a format for the visually impaired, call Ecology at 360-407-7668 or visit <https://ecology.wa.gov/accessibility>. People with impaired hearing may call Washington Relay Service at 711. People with speech disability may call TTY at 877-833-6341.

Contact Information

Please direct all questions about this WQC Order to:

Erin Hanlon Brown

Department of Ecology

(360) 280-1037

erin.hanlonbrown@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**
<http://app.leg.wa.gov/WAC/default.aspx?cite=371-08>
- **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**
<http://apps.leg.wa.gov/WAC/default.aspx?cite=173-204>
- **Chapter 173-200 WAC – Water Quality Standards for Ground Waters of the State of Washington**
<http://apps.leg.wa.gov/WAC/default.aspx?cite=173-200>
- **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 15th day of June, 2023 at the Department of Ecology, Lacey, Washington.



Loree' Randall, Section Manager
Federal Permitting Section, HQ
Shorelands and Environmental Assistance Program