



STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY

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

December 21, 2023

Taylor Shellfish Farms
ATTN: Erin Ewald
130 SE Lynch Road
Shelton, WA 98584

Re: Amendment to 401 Water Quality Certification Order No. 18126 for U.S. Army Corps of Engineers Reference No. NWS-2018-570, Olympia Oyster Farm Boat Ramp, Oyster Bay, Shelton, Mason County, Washington

Dear Erin Ewald:

Enclosed is an amendment to Water Quality Certification Order No. 18126, issued on May 4, 2020, for the above project. We have also included a strikeout version of the Water Quality Certification that reflects the changes made. All other conditions of Water Quality Certification No. 18126 remain in effect.

The purpose of this amendment is to:

- Transfer the order from Olympia Oyster Company to Taylor Shellfish Farms.
- Removal instead of replacement of the existing overwater building structure and work platforms.
- Modifications to the quantity and location of piers.
- Replacement instead of extension of the breakwater.

If you have any questions, please contact Brook Swensen at 564-999-1749. The enclosed Amendment may be appealed by following the procedures described in the Amendment.

First Amendment to WQC Order No. 18126
Aquatics No. 136713, Corps No. NWS-2018-570
December 21, 2023
Page 2 of 2

Sincerely,

A handwritten signature in cursive script that reads "Loree' Randall".

Loree' Randall, Section Manager
Aquatic Permitting & Protection Section
Shorelands and Environmental Assistance Program

Enclosure (2)

By certified mail: 9489 0090 0027 6383 2201 54

Sent via e-mail: ErinE@taylorshellfish.com

E-cc: Jonathan Smith, U.S. Army Corps of Engineers
Racheal Villa, Sound View Consultants
Brook Swensen, Ecology
ecyrefedpermits@ecy.wa.gov

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

Taylor Shellfish Farms
Attn: Erin Ewald
130 SE Lynch Road
Shelton, WA 98584

WQC Order No.	18126, First Amendment
Corps Reference No.	NWS-2018-570
Site Location	Olympia Oyster Farm Boat Ramp project located within Oyster Bay of Puget Sound at 1042 Southeast Bloomfield Road, Shelton, Mason County, Washington.

On May 4, 2020, the Washington Department of Ecology (Ecology) issued a 401 Water Quality Certification to Olympia Oyster Company for the above-referenced project pursuant to the provisions of 33 U.S.C. 1341 (FWPCA § 401).

Ecology received a request on November 14, 2023, to transfer WQC Order No. 18126 from Olympia Oyster Company to Taylor Shellfish Farms. Taylor Shellfish Farms also requested modifications to the overwater shellfish processing plant replacement and its associated piers and breakwater, addition of a new boat ramp, and modifications to the bulkhead replacement.

WQC Order No. 18126 dated May 4, 2020, is hereby amended as follows:

I. Every mention of the project proponent which reads:

Olympia Oyster Company

Is replaced with:

Taylor Shellfish Farm

II. The following paragraphs of the project description are amended as identified below:

a. Paragraph number two which reads:

The proposed project entails the replacement of the existing overwater shellfish processing structure; construction of two additional pier, ramp, and float systems; replacement of an existing bulkhead; and, the extension of a breakwater.

Is replaced with:

The proposed project entails the removal of the existing overwater shellfish processing structure and pier; construction of one pier; replacement of an existing bulkhead; replacement of existing float systems, installation of a new boat ramp, and replacement of existing breakwater.

b. Paragraph number four which reads:

The existing 5,273-square-foot overwater structure has solid decking and is supported by 69 creosote piles, creosote timber beams, and concrete pads. The new overwater structure will consist of a 3,000-square-foot building, 1,298 square feet of which will have solid decking.

Is replaced with:

The existing 5,273-square-foot overwater structure has solid decking and is supported by 69 creosote piles, creosote timber beams, and concrete pads, all of which will be removed.

c. Paragraph number five which reads:

A 2,411 square foot working platform that is constructed of grated decking will extend waterward to the south and east of the building. A pedestal marine crane will be located on the southeastern edge of the working platform. A new 60-square-foot grated pier, 292-square-foot grated ramp, and 142-square-foot partially grated float would be constructed along the eastern side of the working platform. An additional 1,160-square-foot pier and platform and a 96-square-foot float would be constructed at the southern end of the working platform. The new building and platform will require the placement of thirty-seven 16-inch-diameter steel piles for support.

Is replaced with:

A 600-square-foot grated pier will be constructed, and connected to existing, relocated floats using an existing grated aluminum gangway. One float is 12' x 30' and the extension float is 18' x 20'. Two existing solid wood docks would be relocated to extend from north and south side of floats. One dock would be 5' x 110' and the second 5' x 180'. These solid docks will be replaced with grated material within the five-year timeframe of the permit. Eight pilings would be required for the pier and depending on spacing, ten piling would be installed for the relocated docks and floats.

d. Paragraph number six which reads:

The project will also replace 388 linear feet of creosote timber bulkhead. The westernmost 56 linear feet of the bulkhead would be replaced with a new rockery

bulkhead, and the remaining 330 linear feet of the replacement would be constructed of concrete.

Is replaced with:

The project will also replace 266 linear feet of creosote timber bulkhead. The westernmost 50 linear feet of the bulkhead would be replaced with a new rockery bulkhead, and the remaining 216 linear feet of the replacement would be constructed of concrete, including a 24-foot-wide opening for the new boat ramp.

e. The following two paragraphs were added:

New paragraph 7

The existing 22' x 80' boat ramp would be removed and filled with beach nourishment materials, connecting, and extending beach nourishment along the east side of the project area. A new 24' x 86' poured concrete plank boat ramp would be installed 50' west of the newly installed pier. 1 new piling will be installed southwest of the bulkhead.

New paragraph 8

A floating breakwater will be installed southwest of the relocated floats and docks, attached to 4 new pilings. This will replace the existing breakwater. Four additional piles will be installed for offshore structures to the southeast. A total of 27 new pilings will be installed for the entire project area.

III. The following Ecology contact was deleted from conditions A2 and B1:

Lori.kingsbury@ecy.wa.gov

IV. Condition number C1 which reads:

This Order will expire five (5) years from the date of issuance. Continuing this Order beyond the five-year term of this Order will require the Applicant to apply for an extension prior to the expiration of this Order.

Is replaced with:

This Order will remain valid for the duration of the associated Department of the Army (DA) permit.

No other conditions or requirements of the above referenced Order are affected by this amendment.

Ecology retains continuing jurisdiction to make modifications hereto through supplemental order, if it appears necessary to further protect the public interest.

Failure to comply with this amended Order may result in the issuance of civil penalties or other actions whether administrative or judicial, to enforce the terms of this amended Order.

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 mail, in person, or by email (see addresses below).

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

Filing an appeal

Filing with the PCHB

For the most current information regarding filing with the PCHB, visit: <https://eluh0.wa.gov/> or call: 360-664-9160.

Service on Ecology

Street Addresses:

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

Mailing Addresses:

Department of Ecology

Attn: Appeals Processing Desk
PO Box 47608
Olympia, WA 98504-7608

E-Mail Address:

ecologyappeals@ecy.wa.gov

Contact Information

Please direct all questions about this Order to:

Brook Swensen
Department of Ecology
564-999-1749
Bsw461@ecy.wa.gov

More Information

- **Pollution Control Hearings Board Website**
<https://elaho.wa.gov>
- **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 21st day of December 2023, at the Department of Ecology, Lacey, Washington.

A handwritten signature in black ink that reads "Loree' Randall". The signature is written in a cursive, flowing style.

Loree' Randall, Section Manager
Aquatic Permitting & Protection Section
Shorelands and Environmental Assistance Program

This document shows the activities and conditions that have been amended since the original Order was issued. Therefore, it is not the official certification and should be used for information purposes only.

IN THE MATTER OF GRANTING A) ORDER No. 18126, **FIRST AMENDMENT**
WATER QUALITY) Corps Reference No. NWS-2018-570
CERTIFICATION TO) ~~Olympia Oyster Company Shellfish Processing~~
~~Olympia Oyster Company Taylor) Plant~~
Shellfish Farms) Olympia Oyster Farms Boat Ramp
in accordance with 33 U.S.C. 1341) Oyster Bay of Puget Sound located in Shelton,
(FWPCA § 401), RCW 90.48.120, RCW) Mason County, Washington.
90.48.260 and Chapter 173-201A WAC

~~Olympia Oyster Company Taylor Shellfish Farms~~
Attn: ~~Tim McMillan~~ Erin Ewald
~~1042 SE Bloomfield Road~~ 130 SE Lynch Road
Shelton, WA 98594

On May 7, 2019, the Department of Ecology (Ecology) received Olympia Oyster Company's request for a Section 401 Water Quality Certification (WQC) for the Olympia Oyster Company Shellfish Processing Plant. The U.S. Army Corps of Engineers (Corps) issued a joint public notice for the project on May 29, 2019.

~~The proposed project entails the replacement of the existing overwater shellfish processing structure; construction of two additional pier, ramp, and float systems; replacement of an existing bulkhead; and, the extension of a breakwater.~~

The proposed project entails the removal of the existing overwater shellfish processing structure and pier; construction of one pier; replacement of an existing bulkhead; replacement of existing float systems, installation of a new boat ramp, and replacement of existing breakwater.

The oyster shucking plant and associated infrastructure were constructed in the mid-1950s. The existing building is approximately 6,418 square feet and currently in poor condition. The Applicant currently collects shellfish from the shellfish beds via boat and uses the existing boat ramp to transport the harvested shellfish to land. The work is limited by tides, as the boat ramp is inaccessible during low tides.

The existing 5,273-square-foot overwater structure has solid decking and is supported by 69 creosote piles, creosote timber beams, and concrete pads, all of which will be removed. ~~The new overwater structure will consist of a 3,000-square-foot building, 1,298-square feet of which will have solid decking.~~

~~A 2,411-square-foot working platform that is constructed of grated decking will extend waterward to the south and east of the building. A pedestal marine crane will be located on the southeastern edge of the working platform. A new 60-square-foot grated pier, 292-square-foot grated ramp, and 142-square-foot partially grated float would be constructed along the eastern side of the working platform. An additional 1,160-square-foot pier and platform and a 96-square-~~

~~foot float would be constructed at the southern end of the working platform. The new building and platform will require the placement of thirty-seven 16-inch diameter steel piles for support.~~

A 600-square-foot grated pier will be constructed, and connected to existing, relocated floats using an existing grated aluminum gangway. One float is 12' x 30' and the extension float is 18' x 20'. Two existing solid wood docks would be relocated to extend from north and south side of floats. One dock would be 5' x 110' and the second 5' x 180'. These solid docks will be replaced with grated material within the five-year timeframe of the permit. Eight pilings would be required for the pier and depending on spacing, ten piling would be installed for the relocated docks and floats.

The project will also replace ~~388~~ 266 linear feet of creosote timber bulkhead. The westernmost ~~56~~ 50 linear feet of the bulkhead would be replaced with a new rockery bulkhead, and the remaining ~~330~~ 216 linear feet of the replacement would be constructed of concrete, including a 24-foot-wide opening for the new boat ramp.

The existing 22' x 80' boat ramp would be removed and filled with beach nourishment materials, connecting, and extending beach nourishment along the east side of the project area. A new 24' x 86' poured concrete plank boat ramp would be installed 50' west of the newly installed pier. 1 new piling will be installed southwest of the bulkhead.

A floating breakwater will be installed southwest of the relocated floats and docks, attached to 4 new pilings. This will replace the existing breakwater. Four additional piles will be installed for offshore structures to the southeast. A total of 27 new pilings will be installed for the entire project area.

The purpose of the proposed project is to provide safe and functional structures and continued access and moorage along approximately 500 linear feet of the subject property's western shoreline.

The project is located within Oyster Bay of Puget Sound at 1042 Southeast Bloomfield Road, Shelton, Mason County, Washington; NW Quarter of Section 21, Township 19 North, Range 3 West; WRIA No. 14, Kennedy-Goldsborough Watershed.

AUTHORITIES

In exercising authority under 33 U.S.C. § 1341, RCW 90.48.120, and RCW 90.48.260, Ecology has reviewed 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 comply with 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 ~~Olympia Oyster Company Taylor Shellfish Farms~~ 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 certification absolves Applicant from liability for contamination and any subsequent cleanup of surface waters, ground waters, or sediments resulting from project construction or operations.

A. General Conditions

1. In this Order, the term “Applicant” shall mean the ~~Olympia Oyster Company Taylor Shellfish Farms~~ and its agents, assignees, and contractors.
2. All submittals required by this Order shall be sent to the Department of Ecology, Southwest Regional Office, Attn: Federal Permit Manager, SEA Program, PO Box 47775, Olympia, WA 98504-7775 or via e-mail (preferred) to fednotification@ecy.wa.gov ~~with a copy to~~ Lori.kingsbury@ecy.wa.gov. The submittals shall be identified with Order No. 18126 and include the Applicant name, project name, project contact, and the contact phone number.
3. Work authorized by this Order is limited to the work described in the Joint Aquatic Resource Permit Application (JARPA) received by Ecology on May 7, 2019.
4. The Applicant shall obtain Ecology review and approval before undertaking any changes to the proposed project that might significantly and adversely affect water quality, other than those project changes required by this Order.
5. Within 30 days of receipt of any updated information, Ecology will determine if the revised project requires a new public notice and Water Quality Certification or if a modification to this Order is required.
6. This Order is not effective until the Corps issues a permit for this project.

7. The Applicant shall send (per A.2) a copy of the final Corps permit to Ecology's Federal Permit Manager within two weeks of receiving it.
8. 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.
9. The Applicant 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 Order are being met.
10. 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.
11. 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 may issue an amendment to this Order to incorporate any such changes or amendments applicable to this project.
12. The Applicant 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 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 signatory that s/he has read and understands the conditions of this Order and the above-referenced permits, plans, documents and approvals. These statements shall be provided to Ecology before construction begins.
13. 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.
14. Failure of any person or entity to comply with the Order may result in the issuance of civil penalties or other actions, whether administrative or judicial, to enforce the terms of this Order.
15. Conditions in this Order apply to all planned phases of the construction and the mitigation for this project.

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 **with a copy**

~~to Lori.kingsbury@ecy.wa.gov~~. Notifications shall be identified with Order No. **18126** and include the Applicant 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 of this Orders conditions. In addition to the phone or e-mail notification, the Applicant 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.
 - b. At least ten (10) days prior to conducting initial in-water work activities for each in-water work window.
 - c. At least seven (7) days within project completion.
2. If the project construction is not completed within 13 months of issuance of this Order, the Applicant shall submit a written construction status report (per Condition A.2 of this Order) and submit status reports every 12 months until construction and mitigation are completed.

C. Timing

1. ~~This Order will expire five (5) years from the date of issuance. Continuing this Order beyond the five-year term of this Order will require the Applicant to apply for an extension prior to the expiration of this Order.~~

~~This Order will remain valid for the duration of the associated Department of the Army (DA) permit.~~

2. The following in-water work windows shall apply to this project unless otherwise approved by Ecology:
 - July 15 to February 15 of any year.
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. Proposed changes shall be implemented only with written approval from Ecology.

D. Water Quality Monitoring & Criteria

1. Oyster Bay is categorized under the Water Quality Standards For Surface Waters of the State of Washington as extraordinary quality, and the criteria of the categorization apply as described in WAC 173-201A-210(1), except as specifically modified by this Order.

2. This Order does not authorize the Applicant to exceed applicable turbidity standards beyond the limits established in WAC 173-201A-210(1)(e)(i).
3. The Applicant shall revise the *Draft Water Quality Monitoring Plan* (WQMP) prepared by Soundview Consultants for Olympia Oyster Company, dated October 4, 2019, to address Ecology comments made on April 23, 2020, and to be consistent with the conditions of this Order. A final Plan shall be submitted to Ecology's Federal Permit Manager (per Condition A.2 of this Order) **for review and approval** at least 30 days prior to beginning any work covered by this Order.
4. The Applicant must provide, in writing, any changes or additions to the WQMP and obtain approval from Ecology's Federal Permit Manager prior to implementation of the changes or additions.
5. Monitoring results shall be submitted to Ecology's Federal Permit Manager weekly during in-water work, per condition A.2.
6. Mitigation and/or additional monitoring may be required if the monitoring results indicate that the water quality standards have not been met.
7. Visible turbidity anywhere beyond the temporary area of mixing (point of compliance) from the activity shall be considered an exceedance of the standard.
8. If water quality exceedances for turbidity are observed outside 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, and correct the problem and prevent further water quality turbidity exceedances.

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.
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.
3. No stockpiling or staging of materials shall occur at or below the OHWM of any waterbody.
4. No petroleum products, fresh concrete, lime or concrete, chemicals, or other toxic or deleterious materials shall be allowed to enter waters of the state.

5. 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.
6. Staging areas will be located a minimum of 50 feet and, where practical, 200 feet, from waters of the state including wetlands. If a staging area must be located within 50 feet of waters of the state, then the Applicant shall provide a written explanation and obtain approval from Ecology's Federal Permit Manager before placing the staging area in the 50-foot setback area.
7. During demolition and construction activities, a containment boom and absorbent pads shall be placed around the perimeter of the work area to capture any debris released into the water. All accumulated debris shall be collected and disposed of at an approved upland disposal site.
8. Project activities shall be conducted to minimize siltation of the beach area and aquatic bed.
9. The Applicant shall contain and appropriately dispose of all saw cut water and debris generated from cutting activities that occur over water so there is no possible entry to waters of the state.

Equipment & Maintenance

10. All equipment that will operate over or within waters of the state shall be free of external petroleum-based products. Accumulation of soils or debris shall be removed from the drive mechanisms and the undercarriage of equipment prior to use. Equipment shall be inspected daily for leaks, accumulation of grease, etc. Any identified problems shall be fixed before operating over or within waters of the state.
11. All equipment operating within or over waters of the state shall utilize biodegradable hydraulic fluid.
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.
13. In order to prevent contamination to surface waters, machinery and equipment used during construction shall be serviced, fueled, and maintained on uplands a minimum of 100 feet from waters of the state including wetlands, unless otherwise approved by Ecology.
14. Wash water containing oil, grease, or other hazardous materials resulting from washing of equipment or working area shall not be discharged into state waters. 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/or wetlands.

Barges and Other Work Vessel Operation

15. Barges and other work vessels shall not be anchored in vegetated shallows or allowed to ground-out during construction activities.
16. No return water is allowed to discharge from the barge(s) into waters of the state.
17. 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 nearshore sediments.
18. The Applicant shall have a boat available on site during in- and over-water work activities to manage booms and retrieve any debris that enters the water.

Bank Stabilization

19. Bulkhead removal and replacement shall occur during low tides and be conducted from uplands to the extent practicable.
20. If creosote staining is visible in the bulkhead footprint after removal, the area should be over-excavated and the contaminated material removed to a contained upland area for disposal at an approved facility.
21. Placement of bulkhead material shall be conducted in compliance with water quality standards for turbidity.

Pile Removal

22. All piles will be removed utilizing a vibratory pile driver, operating during high tide.
23. The operator shall “wake up” piling to be removed by vibrating it to break the skin friction bond between piling and sediment. This bond breaking will minimize turbidity in the water column as well as possibly breaking off the piling.
24. Hydraulic jetting devices shall **not** be used to place or remove piles or move sediment away from the piling.
25. Piles removed from the substrate shall be moved immediately from the water onto a barge or onto upland. 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 prior to its placement on the barge or upland location.
26. During pile removal, containment booms and absorbent sausage booms shall be placed around the perimeter of the in-water work area and upland storage area, if used, to capture wood debris, oil, and other materials from being released into marine waters.

27. All extracted piles and all construction debris, excess sediment, and other solid waste material shall be properly managed and disposed of in an approved upland disposal site so that it cannot cause water quality degradation to state waters.
28. If a barge is used to remove piles, the work surface on the barge deck shall include containment for piles and any liquid or sediment removed during pulling of the piling. Sediments spilled on barge work surfaces shall be contained and disposed of with the pile debris at an approved upland disposal site. Water left in the containment on the barge shall not be discharged into waters of the state.
29. Treated pilings that break during extraction shall be cut three feet below the mudline and capped with clean sand to match the final elevation.

Pile Installation

30. New piling shall be made of galvanized steel, ACZA-treated timber, or concrete. ACZA-treated timber shall comply with the Western Wood Preservers Institute BMPs.
31. New piling shall be installed using a vibratory hammer and may be proofed with an impact hammer if necessary for full installation.
32. If an impact hammer is used for pile proofing, a suitable noise-attenuation device (such as a bubble curtain or wood block) shall be used to protect marine life.

Concrete Work

31. Spill protection measures shall be in place prior to any concrete delivery over water. All forms for any concrete structures shall be completely sealed off to prevent the possibility of fresh concrete entering waters of the state.
32. Concrete delivery systems shall be inspected daily to prevent any discharges of concrete and/or slurry water into waters of the state.
33. Concrete process water shall not enter waters of the state. Any concrete process/contact water discharged from a confined area with curing concrete shall be routed to upland areas to be treated and disposed of properly with no possible entry to waters of the state.

F. Emergency/Contingency Measures

1. The Applicant shall develop and implement a spill prevention and containment plan for this project.
2. The Applicant shall have adequate and appropriate spill response and cleanup materials available on site at all times during construction to respond to release of petroleum products or any other material into waters of the state.

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.
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 Applicant shall notify Ecology's Federal Permit Manager per condition B.1 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.
5. Notify Ecology's Regional Spill Response Office immediately if chemical containers (e.g. drums) are discovered on site or any conditions are present indicating disposal or burial of chemicals on site that may impact surface water or ground water.