



STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY

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

June 18, 2024

Jeff Kimball
6008 Crescent Beach Rd NW
Vaughn, WA 98394

Re: Water Quality Certification Order No. **22910** (Corps No. **NWS-2023-949**), Kimball
Emergency Bulkhead Repair, Pierce County, Washington

Dear Jeff Kimball:

On May 10, 2024, Jeff Kimball submitted a request for a Section 401 Water Quality Certification (WQC) under the federal Clean Water Act for the Kimball Emergency Bulkhead Repair project in Pierce County, Washington.

On behalf of the state of Washington, the Department of Ecology certifies with conditions 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 Brook Swensen at 564-999-1749. The enclosed WQC Order may be appealed by following the procedures described within.

Sincerely,

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

WQC Order No. 22910, Corps No. NWS-2023-949

Aquatics ID No. 143381

June 18, 2024

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Enclosure (1)

By certified mail: 9489 0090 0027 6381 5320 99

Sent via e-mail: JGKrenton@comcast.net

E-cc: Jennifer Casper, U.S. Army Corps of Engineers

Robert Brenner, Leon Environmental LLC

Peter Leon, Leon Environmental LLC

Janae Dinkins, Leon Environmental LLC

Brook Swensen, Ecology

ECYREFEDPERMITS@ecy.wa.gov

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

Jeff Kimball
6008 Crescent Beach Rd NW
Vaughn, WA 98394

WQC Order No.	22910
Corps Reference No.	NWS-2023-949
Site Location	Kimball Emergency Bulkhead Repair located within Case Inlet, Vaughn, Pierce County, Washington.

Jeff Kimball submitted a request for a Section 401 Water Quality Certification (WQC) under the federal Clean Water Act for the Kimball Emergency Bulkhead Repair project in Pierce County, Washington. The following required processing dates are listed below:

- On January 16, 2024, the Jeff Kimball submitted a pre-filing meeting request.
- On January 17, 2024, the U.S. Army Corps of Engineers (Corps) granted an emergency authorization for the project.
- On May 10, 2024, Ecology received a request for Clean Water Section 401 Water Quality Certification.
- On May 17, 2024, Ecology issued a public notice for the project.
- Ecology's "Reasonable Period of Time" for this project has been established as November 6, 2024.

The project construction was already completed under emergency authorization from the Corps. The project removed the existing 115-linear-foot (LF) partially failed concrete bulkhead, buried concrete, beach debris, a 45 square foot (SF) section of treated wood pier, and a 115 LF creosote treated bulkhead that was uncovered when the concrete bulkhead failed. Installed a 115 linear foot angular rock bulkhead partially set back landward of the existing footprint, stone steps, and ballast. The project also included the discharge of approximately 18 CY of beach nourishment over 1,035 SF.

The project site is located in Case Inlet at 6008 Crescent Beach Rd NW, Vaughn, Pierce County, Washington, Section 15, Township 21N., Range 01W., within Water Resource Inventory Area (WRIA) 15, Kitsap.

With this WQC Order, Ecology is granting Jeff Kimball's request for a Section 401 Water Quality Certification for the Kimball Emergency Bulkhead Repair project, provided that the activity was conducted in accordance with the Section 401 Water Quality Certification request and attachments Ecology received on May 10, 2024, and the following supporting documentation:

1. E-mail to Ecology dated May 22, 2024, regarding the project's concrete, wood, and debris disposal.
2. As Built dated January 15, 2024, received by Ecology on May 22, 2024.

Based on the information submitted, Ecology has determined that the discharge from the project complies with state water quality requirements. Prior to undertaking any changes that materially alter the project, Jeff Kimball 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 project does not authorize Jeff Kimball 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 Jeff Kimball from liability for contamination and any subsequent cleanup of surface waters, ground waters, or sediments resulting from project construction or operations.

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 to the Jeff Kimball for the Kimball Emergency Bulkhead Repair project.

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 information 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://elaho.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

Americans with Disabilities Act Information

Accommodation Requests

To request ADA accommodation including materials in a format for the visually impaired, call Ecology at 360-407-6831 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:

Brook Swensen
Department of Ecology
564-999-1749

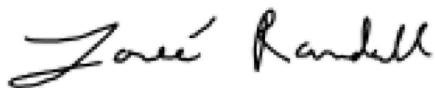
Brook.Swensen@ecy.wa.gov

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 18th day of June 2024 at the Department of Ecology, Lacey, Washington.



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