



**STATE OF WASHINGTON**  
**DEPARTMENT OF ECOLOGY**

**Northwest Region Office**  
PO Box 330316, Shoreline, WA 98133-9716 • 206-594-0000

July 16, 2025

Skagit County Consolidated Dike, Drainage  
and Irrigation Improvement District #22  
Attn: John Wolden  
PO Box 535  
Conway, WA 98238

Re: Amendment to 401 Water Quality Certification (WQC) Order No. 19611 for U.S. Army  
Corps of Engineers (Corps) Reference No. NWS-2008-1559, Skagit County Consolidated  
Dike, Drainage and Improvement District #22: Drainage Maintenance Agreement and  
Plan, Hall Slough, Wiley Slough and Unnamed Tributaries, Conway, Skagit County,  
Washington

Dear John Wolden:

Enclosed is an amendment to Water Quality Certification Order No. 19611, issued on February  
12, 2021, 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. 19611 remain in effect.

The purpose of this amendment is to extend the WQC to align with the Corps permit renewal  
process to ensure consistency.

If you have any questions, please contact Austin Schmalz at (425) 301-6989. The enclosed  
Amendment may be appealed by following the procedures described in the Amendment.

Sincerely,

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Joe Burcar, Section Manager  
Northwest Region Office  
Shorelands and Environmental Assistance Program

Enclosure (2)

By certified mail: 9171 9690 0935 0233 1816 65

First Amendment to Order No. 19611  
Aquatics No. 135090, Corps No. NWS-2008-1559  
July 16, 2025  
Page 2 of 2

Sent via e-mail: [scdike22@gmail.com](mailto:scdike22@gmail.com)

E-cc: Randel Perry, U.S. Army Corps of Engineers  
Kristin Murray, U.S. Army Corps of Engineers  
Jenna Friebel, Skagit Drainage and Irrigation Districts Consortium  
Janet Curran, National Marine Fisheries Service  
Allen Rozema, Skagit County  
Stan Walsh, Skagit River System Cooperative  
Nora Kammer, Skagit River System Cooperative  
Jessica Pyle, WDFW  
Austin Schmalz, Ecology  
Erin Hanlon Brown, Ecology  
Chris Luerkens, Ecology  
Amy Jankowiak, Ecology  
[ecyrefedpermits@ecy.wa.gov](mailto:ecyrefedpermits@ecy.wa.gov)

**In The Matter of Granting a Water Quality  
Certification with Conditions (WQC) to Skagit County Consolidated Dike,  
Drainage and Irrigation Improvement District #22  
pursuant to 33 U.S.C. 1341 (FWPCA § 401), RCW 90.48.120, RCW  
90.48.260 and Chapter 173-201A WAC**

Skagit County Consolidated Dike, Drainage  
and Irrigation Improvement District #22  
Attn: John Wolden  
PO Box 535  
Conway, WA 98238

<b>WQC Order No.</b>	<b>19611</b> , First Amendment
<b>Corps Reference No.</b>	NWS-2008-1559
<b>Site Location</b>	Skagit County Consolidated Dike, Drainage and Improvement District #22: Drainage Maintenance Agreement and Plan project located within Hall Slough, Wiley Slough and Unnamed Tributaries, Conway, Skagit County, Washington.

On February 12, 2021, the Washington Department of Ecology (Ecology) issued a 401 Water Quality Certification to Skagit County Consolidated Dike, Drainage and Irrigation Improvement District #22 for the above-referenced project pursuant to the provisions of 33 U.S.C. 1341 (FWPCA § 401).

Ecology received a request April 1, 2025, to extend the WQC to align with the Corps permit renewal process that would allow the applicant to ensure consistency between documents.

WQC Order No. 19611 dated February 12, 2021, is hereby amended as follows:

I. Condition number E1. which reads:

This Order shall remain in effect for a period of five (5) years from the date of issuance of this WQC. Continuing this project beyond the five-year term of this WQC will require the Applicant to obtain review and written approval by Ecology to extend the project for an additional five (5) years. Written approval must be obtained by July 15, 2025, otherwise this Order will expire on January 15, 2026. The total term of this WQC shall not exceed a total of ten (10) years total.

Is replaced with:

This Order will expire August 5, 2027.

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 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 by 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.

### **Address and Location Information**

#### **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](mailto:ecologyappeals@ecy.wa.gov)

## Contact Information

Please direct all questions about this Order to:

Austin Schmalz  
Department of Ecology  
(425) 301-6989  
[Austin.Schmalz@ecy.wa.gov](mailto:Austin.Schmalz@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>

## Signature

Dated this 16 day of July, 2025 at the Department of Ecology, Shoreline, Washington.



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Joe Burcar, Section Manager

First Amendment to WQC Order No. 19611  
Aquatics No. 135090, Corps No. NWS-2008-1559  
July 16, 2025  
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Northwest Region Office  
Shorelands and Environmental Assistance Program

This document shows the activities and/or 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 #19611, **First Amendment****  
**WATER QUALITY ) Corps Reference #NWS-2008-1559**  
**CERTIFICATION TO ) Skagit County Consolidated Dike, Drainage and Irrigation**  
**SKAGIT COUNTY CONSOLIDATED ) Improvement District #22: Drainage Maintenance**  
**DIKE, DRAINAGE AND ) Agreement and Plan Project; Hall Slough, Brown**  
**IRRIGATION IMPROVEMENT ) Slough, Davis Slough, Dry Slough, Wiley Slough,**  
**DISTRICT NO. 22 ) and Unnamed Tributaries, Skagit County,**  
in accordance with 33 U.S.C. 1341 ) Washington.  
(FWPCA § 401), RCW 90.48.120, RCW )  
90.48.260 and Chapter 173-201AW AC )

TO: Skagit County Consolidated Dike, Drainage and Irrigation Improvement District #22  
Attn: John Wolden  
PO Box 535  
Conway, WA 98238

On July 10, 2020, Skagit County Consolidated Dike, Drainage and Irrigation Improvement District #22 (CDDIID 22) requested a Section 401 Water Quality Certification (WQC) to maintain drainage and irrigation facilities for on-going agricultural operations. On September 29, 2020, the Department of Ecology (Ecology) issued a public notice regarding the above-referenced project pursuant to the provisions of the Clean Water Act.

This WQC through Order #19611 (Order) authorizes the maintenance of CDDIID 22 drainage and irrigation facilities located in Hall Slough, Brown Slough, Davis Slough, Dry Slough, Wiley Slough, and Unnamed Tributaries, on Fir Island, southwest of the City of Mount Vernon, southeast of the Town of LaConner, and west of the Town of Conway, Skagit County, Washington as follows:

- Removal of accumulated sediments from drainage and irrigation ditches and streams;
- Removal of debris from channels, trash racks, culverts, etc.;
- Repair and replacement of culverts, pump facilities, bridges, trash racks, and floodgates; and,
- Minor repair but not major repair or replacement, of tidegates.

This WQC does not authorize work involving the construction of new facilities.

CDDIID 22 agreed to provide support for a series of habitat enhancement projects per the details of the Drainage Maintenance Plan. These projects will be undertaken in conjunction with Washington Department of Fish and Wildlife.

With the issuance of this WQC, Ecology is officially **rescinding Order No. 11461** and any amendment to that Order. The authorization, terms, and conditions of Order No. 11461 dated June 8, 2015, and any amendments to that Order are no longer in effect as of February 12, 2021.

#### **AUTHORITIES:**

In exercising authority under 33 U.S.C. § 1341, RCW 90.48.120, and RCW 90.48.260, Ecology has examined this application pursuant to the following:

1. Conformance with applicable water quality-based, technology-based, and toxic or pretreatment effluent limitations as provided under 33 U.S.C. §§ 1311, 1312, 1313, 1316, and 1317 (FWPCA §§ 301,302,303,306, 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, the Department of Ecology (Ecology) certifies that it has reasonable assurance that the activity as proposed and conditioned will be conducted in a manner that will meet the 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, WQC is granted to CDDIID 22 (Applicant) subject to the conditions within this Order.

Certification of this proposal does not authorize the Applicant to exceed applicable state water quality standards (Chapter 173-201A WAC), ground water standards (Chapter 173-200 WAC) or sediment quality standards (Chapter 173-204 WAC). Furthermore, nothing in this WQC shall absolve the Applicant from liability for contamination and any subsequent cleanup of surface waters, ground waters or sediments occurring as a result of project construction or operations.

#### **A. General Conditions:**

- A1. For purposes of this Order, the term "Applicant" shall mean Skagit County Consolidated Dike, Drainage and Irrigation Improvement District #22 (CDDIID 22) and its agents, assignees and contractors.
- A2. All submittals required by this Order shall be sent to Ecology's 401/CZM Federal Project Coordinator via e-mail to [fednotification@ecy.wa.gov](mailto:fednotification@ecy.wa.gov). Any submittals shall reference Order #19611 and Corps Reference #NWS-2008-1559.
- A3. Work authorized by this Order is limited to the work described in the Joint Aquatic Resources Permit Application (JARPA) received by Ecology on July 10, 2020, unless otherwise authorized by Ecology. In addition to the JARPA the work shall be implemented per the provisions of the Drainage Maintenance Agreement between CDDIID 22 and the Washington Department of Fish and Wildlife (WDFW) and resulting Drainage Maintenance Plan updated June 2020.



- A4. The Applicant will be out of compliance with this Order and must reapply with an updated application if additional activities and/or subsequent changes to the project not authorized by this Order are needed.
- A5. Within 30 days of receipt of an updated JARPA, Ecology will determine if the revised project requires a new WQC and public notice or if a modification to this Order is required.
- A6. The Applicant shall send (per A2) a copy of the final Section 404 Corps permit to Ecology's 401/CZM Federal Permit Manager within two weeks of receiving it from the Corps.
- A7. Copies of this Order shall be kept on the job site and readily available for reference by Ecology personnel, the construction superintendent, construction managers and lead workers, and state and local government inspectors.
- A8. The Applicant shall provide access to the project site and all mitigation sites upon request by Ecology personnel for site inspections, monitoring, necessary data collection, and/or to ensure that conditions of this Order are being met.
- A9. 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.
- A10. 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 will issue an administrative order to incorporate any such changes or amendments applicable to this project.
- A11. The Applicant shall ensure that all appropriate project engineers and contractors at the project site have read and understand relevant conditions of this Order and all permits, approvals, and documents referenced in this Order. The Applicant shall provide Ecology a signed statement (see Attachment A for an example) from the Commissioner, and each contractor that will be working on the project. The statements shall indicate that they have read and understand the conditions of this Order and the above-referenced permits, plans, documents and approvals. These statements shall be provided to Ecology before construction begins at the project or mitigation sites.

- A12. This Order does not authorize direct, indirect, permanent, or temporary impacts to waters of the state (including wetlands) or related aquatic resources, except as specifically provided for in conditions of this Order.
- A13. Failure of any person or entity to comply with this Order may result in the issuance of civil penalties or other actions, whether administrative or judicial, to enforce its terms.

**B. Water Quality Conditions:**

- B1. This Order does not authorize temporary turbidity exceedances beyond the limits established in WAC 173-201A-200(l)(e)(i) for Hall Slough, Brown Slough, Davis Slough, Dry Slough, Wiley Slough, and Unnamed Tributaries, and within 300 feet upstream of the confluence of any tributaries.
- B2. Water quality sampling and monitoring shall be conducted during in-water activities within Hall Slough, Brown Slough, Davis Slough, Dry Slough, Wiley Slough, and Unnamed Tributaries, and with 300 feet upstream of the confluence of any tributaries, unless the flows can be restricted per Condition C2. Sampling and monitoring shall be conducted per the conditions below:
  - a. Locations of samples: At a minimum, sampling during in-water activities shall take place at:
    - i. An early warning point 50 feet downstream from the in-water activity if no turbidity curtains are in place; or,
    - ii. 10 feet downstream from the last (most downstream) turbidity curtain.
  - b. Number of samples: Representative water quality samples shall be taken a minimum of three times per day during any in-water work.
  - c. Parameter to be sampled: Water samples shall be collected and analyzed for turbidity.
  - d. Equipment: A transparency tube shall be utilized to determine turbidity.
  - e. Recording samples: All sampling results shall be recorded.
- B3. Benchmark Values: Using a transparency tube, if transparency is:
  - a. Less than 33 centimeters (cm), but equal to or greater than 6 cm at 50 feet downstream from the in-water activity with no turbidity curtains in place, or 10 feet downstream from the last (most downstream) turbidity curtain, then additional BMPs shall be implemented.
  - b. Less than or equal to 6 cm at 50 feet downstream from the in-water activity with no turbidity curtains in place, or 10 feet downstream from the last (most downstream)

turbidity curtain, then the Applicant shall immediately take action to stop, contain, and prevent unauthorized discharges or otherwise stop the violation and correct the problem. After such an event, the Applicant shall assess the efficacy of the site BMPs and update or improve the BMPs used at the work site in an effort to reduce or prevent recurrence of the turbidity exceedance.

- B4. Reporting: If no exceedances are detected per Condition B3, results of water quality monitoring/sampling shall be forwarded to Ecology at the end of the season in its annual report in accordance to Conditions A2 and F2.
- B5. Notification of exceedances using a transparency tube: If turbidity transparency less than or equal to 6 cm is detected through water quality sampling, the Applicant shall notify Ecology within 24 hours of occurrence. Notification shall be made with reference to Order #19611, by email to [fednotification@ecy.wa.gov](mailto:fednotification@ecy.wa.gov). The Applicant shall, at a minimum, provide Ecology with the following information:
- a. A description of the nature and cause of exceedance;
  - b. Watercourse name and approximate location of activity;
  - c. Transparency tube measurement (in centimeters);
  - d. The period of non-compliance, including exact dates, duration, and times and/or the anticipated time when the Applicant will return to compliance; and,
  - e. The steps taken, or to be taken, to reduce, eliminate, and prevent recurrence of the non-compliance.
  - f. In addition, within five (5) days after notification of an exceedance, the Applicant shall submit a written report to Ecology that describes the nature of the exceedance, turbidity results and location, photographs, and any other pertinent information.

**C. General Water Quality Conditions:**

- C1. Maintenance activity shall be conducted during low-flow conditions and in the dry to the extent practicable.
- C2. Whenever water is present, floodgates or tidegates shall be closed, and pumps turned off, to the extent practicable, in order to protect water quality.
- C3. During dredging, culvert repair or replacement, floodgate replacement, and dike repair or maintenance activities, whenever water is present, sandbags, sheetpile, earth plugs, straw bales, or impermeable fabric fences (e.g., turbidity curtains) shall be installed and

properly maintained both upstream and downstream of the in-water activity in order to protect water quality.

- C4. When utilizing turbidity curtains, additional curtains shall be installed downstream of the first turbidity curtain as needed in order to minimize turbidity.
- C5. Sediment and erosion control measures shall be inspected and maintained prior to and during project implementation.
- C6. All maintenance work shall be conducted in such a way as to minimize turbidity.
- C7. All construction debris shall be properly disposed of on land so that it cannot enter a waterway or cause water quality degradation to state waters.
- C8. Machinery and equipment shall be serviced, fueled, and maintained upland a minimum of 50 feet and, where practical, 200 feet, from waters of the state including wetlands, unless otherwise approved by Ecology, in order to prevent contamination to any surface water.
- C9. Wash water containing oils, grease, or other hazardous materials resulting from wash down of equipment or working areas shall be contained for proper disposal, and shall not be discharged into state waters or storm drains.
- C10. Mechanical equipment shall be operated from adjacent uplands, unless otherwise authorized by Ecology.
- C11. Existing vegetation shall be retained on the sidewalls of the channel to the maximum extent practicable.
- C12. Channel out-of-water mowing of woody stem riparian vegetation shall be minimized to the extent practicable and shall be limited to the banks of the watercourse necessary for equipment access to the channel.
- C13. Dredged, excavated, or mowed materials shall not be stockpiled below the top of or adjacent to the channel bank.
- C14. Exposed soils adjacent to the channel at risk of entering the watercourse shall be protected from erosion using vegetation or other means approved by Ecology.
- C15. Work shall not be conducted in rain events of a magnitude of  $\frac{1}{4}$  inch within 24 hours or predicted rain events of more than  $\frac{1}{4}$  inch within 24 hours.
- C16. Work in or near the water that may affect fish migration, spawning, or rearing shall cease immediately upon a determination by Ecology that fisheries resources may be adversely affected.

- C17. Replacement of infrastructure, including culverts, pump facilities, bridges, trash racks, and floodgates, shall be conducted in place and be in kind, unless otherwise approved by Ecology.
- C18. Equipment shall only cross the watercourses during periods of low flow.
- C19. Aquatic herbicides shall only be sprayed by operators licensed in the State of Washington.

**Temporary Cofferdam Conditions:**

- C20. Temporary cofferdams shall be installed slowly and carefully in order to minimize turbidity.
- C21. Temporary cofferdams shall remain in place until in-water work is completed and disturbed areas are stabilized.
- C22. Temporary cofferdams shall be removed slowly in order to minimize turbidity, and upstream cofferdams shall be removed prior to downstream cofferdams.
- C23. Dewatering water shall be routed to an area landward of the top of the channel bank for infiltration.
- C24. Bypass pipes shall be of sufficient size to pass all flows and debris for the duration of the project.
- C25. Upon completion of the project, all material utilized in construction of the cofferdams and bypass shall be removed from the site and the site returned to pre-project or improved conditions.

**Dredging Conditions:**

- C26. All dredging shall be conducted to historical contours of the ditch, or up to a 2:1 slope for stability.
- C27. Dredging shall be conducted with a dragline, excavator, and/or hand tools.
- C28. Each pass with the dragline or excavator bucket in the channel shall be complete.
- C29. Dredging shall be limited to the absolute minimum necessary to achieve the target channel width, depth, and gradient.
- C30. Excavated sediments shall not be sidecast into wetlands or along the banks of the watercourse. Excavated materials may be deposited in adjacent agricultural fields in current production and reincorporated into the field soils or disposed of offsite.

**Channel In-Water Bucket Mowing Conditions:**

- C31. Channel in-water bucket mowing shall be conducted utilizing a hydraulically-operated sickle bar mower mounted on the front edge of a dredging bucket.
- C32. In-water bucket mowing shall only remove plant materials from the channel and shall not alter the channel bed profile or slope of the channel banks.

**Dike Repair Conditions:**

- C33. Dike maintenance activities shall not expand or exceed the original footprint of the existing damaged dike.
- C34. Dike repair and maintenance activities shall be conducted in the dry to the extent practicable.
- C35. Dike repair and maintenance activities below the Ordinary High Water Line shall be isolated from the watercourse (e.g., cofferdam and water bypass).
- C36. Dewatering water from dike repair and maintenance activities shall be discharged to an area landward of the dike for infiltration.
- C37. Woody stem vegetation removal shall be limited to those shrubs and trees with stems greater than 4 inches in diameter.
- C38. Disturbed areas of the shoreline shall be minimized and re-vegetated.

**Bridge Conditions:**

- C39. Replacement of bridge footings or foundations shall be constructed within the original footprint, unless otherwise authorized by Ecology.
- C40. Excavation for bridge footings or foundations shall only occur landward of the Ordinary High Water Line of the channel.
- C41. Armoring of channel banks to protect bridge footings or foundations with rock materials shall be limited to the bank area immediately under the footprint of the bridge.
- C42. Any repainting of bridge structures shall be conducted utilizing tarps or other containment in order to prevent paint from entering the water.
- C43. The Applicant shall use tarps or other containment method when cutting or drilling over water to prevent debris, sawdust, concrete and asphalt rubble, and other materials from entering the water.

- C44. If cast in place, wet concrete/grout shall be prevented from entering waters of the state. Forms for any concrete/grout structure shall be constructed to prevent leaching of wet concrete/grout. Impervious materials shall be placed over any exposed concrete/grout not lined with the forms that will come in contact with state waters. Forms and impervious materials shall remain in place until the concrete/grout is cured.

**Culvert Repair and Replacement Conditions:**

- C45. Culvert repair and replacement shall be conducted by hand to the extent practicable.
- C46. If cast in place, wet concrete/grout shall be prevented from entering waters of the state. Forms for any concrete/grout structure shall be constructed to prevent leaching of wet concrete/grout. Impervious materials shall be placed over any exposed concrete/grout not lined with the forms that will come in contact with state waters. Forms and impervious materials shall remain in place until the concrete/grout is cured.

**Beaver Dam Conditions:**

- C47. Explosives shall not be utilized in removal of beaver dams.
- C48. Beaver dam removal shall be conducted by hand, with hand tools, winches, and or motorized equipment.
- C49. Beaver dam removal or modification shall be conducted slowly in order to minimize turbidity.

**Floodgate Conditions:**

- C50. Floodgates shall be replaced in the same location and configuration as the existing damaged floodgate.

**Siphon Maintenance and Trash Rack Conditions:**

- C51. Debris and logs shall be removed by hand to the extent practicable.

**D. Emergency/Contingency Measures:**

- D1. The Applicant shall have adequate and appropriate spill response materials on hand to respond to emergency release of petroleum products or any other material into waters of the state.
- D2. All machinery and equipment shall be in good repair and free of excess oil and grease.
- D3. 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.



- D4. Any work that is out of compliance with the provisions of this Order, or conditions causing distressed or dying fish, or any discharge of oil, fuel, or chemicals into state waters, or onto land with a potential for entry into state waters, is prohibited. If these occur, the Applicant shall immediately take the following actions:
- Cease operations at the location of the violation or spill.
  - Assess the cause of the water quality problem and take appropriate measures to correct the problem and/or prevent further environmental damage.
  - Notify Ecology of the failure to comply. All oil spills shall be reported immediately to Ecology's 24-Hour Spill Response Team at 1-800-258-5990, **and** within 24 hours of spills or other events to Ecology's 401/CZM Federal Project Manager at (425) 649-7129 or (425) 649-7000.
  - 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.

Compliance with this condition does not relieve the Applicant from responsibility to maintain continuous compliance with the terms and conditions of this Order or the resulting liability from failure to comply.

**E. Timing Requirements**

- E1. ~~This Order shall remain in effect for a period of five (5) years from the date of issuance of this WQC. Continuing this project beyond the five year term of this WQC will require the Applicant to obtain review and written approval by Ecology to extend the project for an additional five (5) years. Written approval must be obtained by August 12, 2025, otherwise this Order will expire on February 12, 2026. The total term of this WQC shall not exceed a total of ten (10) years total.~~

~~This Order will expire August 5, 2027.~~

- E2. Work shall be conducted during low discharge period, in late summer to early fall.

**F. Reporting and Notification Requirement Conditions**

- F1. Applicant shall provide notice to Ecology's 401/CZM Federal Project Manager:
- At least three (3) days prior to the start of construction each year.
  - Within 14 days after completion of construction at the project site each year.



Notification, referencing Corps Reference #NWS-2008-1559, Order #19611 shall take place by email to [fednotification@ecy.wa.gov](mailto:fednotification@ecy.wa.gov).

- F2. The Applicant shall submit per Condition A2 a preliminary annual report at least two (2) weeks prior to the annual meeting. The report shall include:
- a. A district map highlighting areas where drainage maintenance was completed in the previous year, along with a narrative description of work completed.
  - b. Results of water quality monitoring/sampling from the previous year, per Condition B4;
  - c. A description of any habitat enhancement projects completed in the previous year, if applicable;
  - d. A district map highlighting areas where drainage maintenance is planned for the upcoming year, along with a narrative description of anticipated work; and
  - e. A description of any habitat enhancement projects proposed for the upcoming year, if applicable.
- F3. The Applicant shall submit per Condition A2 the final annual report to Ecology by March 31 of each year.
- F4. As part of the review to extend this WQC past 5 years the Applicant shall convene a stakeholder meeting with Ecology to discuss implementation of this Order to date.