



STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY

4601 N Monroe Street • Spokane, Washington 99205-1295 • (509)329-3400

March 31, 2020

Anna Marie Sample
Washington Department of Fish and Wildlife
600 Capital Way North
Olympia, Washington 98501

Williams Lake Boat Launch

Dear Anna Marie Sample:

On February 5, 2020, the Department of Ecology (Ecology) received a Washington Department of Fish and Wildlife (WDFW) request for a Section 401 Water Quality Certification (WQC). The U.S. Army Corps of Engineers (Corps) issued a public notice for the project on January 24, 2020.

The proposed project entails the removal of a 12-foot wide boat ramp by excavating 118 cubic yards over 2,280 square feet and replace with a new, 38-foot wide boat ramp by placing up to 37 cubic yards of fill (including poured-in-place concrete) over 2,280 square feet of Williams Lake near Cheney, Spokane County, Washington.

Sincerely,

A handwritten signature in blue ink that reads "Sara Hunt".

Sara Hunt
Section Manager
Shorelands and Environmental Assistance Program
Eastern Regional Office – Spokane

IN THE MATTER OF GRANTING A) ORDER # 18302
WATER QUALITY) Corps Reference No. NWS-2019-282
CERTIFICATION TO) Williams Lake boat ramp repairs located in
Washington Department of Fish and) Spokane County, Washington.
Wildlife)
in accordance with 33 U.S.C. 1341)
(FWPCA § 401), RCW 90.48.120, RCW)
90.48.260 and Chapter 173-201A WAC)

Washington Department of Fish and Wildlife
Attention: Anna Marie Sample
600 Capital Way North
Olympia, Washington 98501

On February 5, 2020, the Department of Ecology (Ecology) received a Washington Department of Fish and Wildlife (WDFW) request for a Section 401 Water Quality Certification (WQC). The U.S. Army Corps of Engineers (Corps) issued a public notice for the project on January 24, 2020.

The proposed project entails the removal of a 12-foot wide boat ramp by excavating 118 cubic yards over 2,280 square feet and replace with a new, 38-foot wide boat ramp by placing up to 37 cubic yards of fill (including poured-in-place concrete) over 2,280 square feet of Williams Lake near Cheney, Spokane County, Washington.

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 WDFW 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 the Corps 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 Washington Department of Fish and Wildlife and its agents, assignees, and contractors.
2. All submittals required by this Order shall be sent to Ecology’s Eastern Regional Office, Attn: Federal Permit Manager, 4601 N Monroe St., Spokane, WA 99205-1295 or via e-mail (preferred) to fednotification@ecy.wa.gov and cc to jacob.mccann@ecy.wa.gov. Any submittals shall be identified with Order No. 18302 and include the Applicant’s name, project name, project location, the project contact and the contact’s phone number.
3. Work authorized by this Order is limited to the work described in the JARPA received by Ecology on February 5, 2020 and associated plans.
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 water quality certification and public notice or if a modification to this Order is required.
6. This Order is not effective until the U.S. Army Corps of Engineers (Corps) issues a Corps 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.

include the Applicant's name, project name, project location, project contact, and the contact's phone number.

- a. Immediately following a violation of state water quality standards or when the project is out of compliance with any of the Order's conditions.
- b. At least ten (10) days prior to conducting initial in-water work activities.
- c. At least seven (7) days within project completion.

C. Timing

1. This Order will expire ten (10) years from the date of issuance of the Corps permit.
2. In-water work shall only occur between June 15 and August 31.

D. Water Quality Monitoring & Criteria

1. This Order does not authorize the Applicant to exceed applicable state water quality standards for turbidity as described in WAC 173-201A-200 (1)(e).
2. The Applicant shall conduct water quality monitoring as described in the approved *Water Quality Monitoring and Protection Plan* (hereafter referred to as the WQMPP) prepared by Anna Sample, dated January 29, 2020.
3. Ecology must approve, in writing, any changes or additions to the WQMPP.
4. Monitoring results shall be submitted monthly to the Ecology Federal Permit Manager, per condition A.2.
5. Mitigation and/or additional monitoring may be required if the monitoring results indicate that the water quality standards have not been met.

E. Construction

General Conditions

1. Within the project limits¹ all environmentally sensitive areas including, but not limited to, wetlands, wetland buffers, and mitigation areas shall be fenced with high visibility construction (HVF) prior to commencing construction activities. Construction activities include equipment staging, materials storage, and work vehicle parking. *Note: This*

¹ Project limits include mitigation sites, staging areas, borrow sources, and other sites developed or used to support project construction.

include the Applicant's name, project name, project location, project contact, and the contact's phone number.

- a. Immediately following a violation of state water quality standards or when the project is out of compliance with any of the Order's conditions.
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- c. At least seven (7) days within project completion.

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1. This Order will expire ten (10) years from the date of issuance of the Corps permit.
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D. Water Quality Monitoring & Criteria

1. This Order does not authorize the Applicant to exceed applicable state water quality standards for turbidity as described in WAC 173-201A-200 (1)(e).
2. The Applicant shall conduct water quality monitoring as described in the approved *Visual Water Quality Monitoring Plan* (hereafter referred to as the WQMP) prepared by Dan Ross, dated August 2018.
3. Ecology must approve, in writing, any changes or additions to the WQMP.
4. Monitoring results shall be submitted monthly to the Ecology Federal Permit Manager, per condition A.2.
5. Mitigation and/or additional monitoring may be required if the monitoring results indicate that the water quality standards have not been met.

E. Construction

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1. Within the project limits¹ all environmentally sensitive areas including, but not limited to, wetlands, wetland buffers, and mitigation areas shall be fenced with high visibility construction (HVF) prior to commencing construction activities. Construction activities include equipment staging, materials storage, and work vehicle parking. *Note: This*

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condition does not apply to activities such as pre-construction surveying and installing HVF and construction zone signage.

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 petroleum products, fresh concrete, lime or concrete, chemicals, or other toxic or deleterious materials shall be allowed to enter waters of the state.

Equipment & Maintenance

4. 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 setback area.
5. 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.
6. 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.
7. Wash water containing oils, grease, or other hazardous materials resulting from wash down of equipment or working areas shall not be discharged into state waters. The Applicant shall set up a designated area for washing down equipment.

F. Emergency/Contingency Measures

1. The Applicant shall develop and implement a spill prevention and containment plan for this project and shall have spill cleanup material available on site at all times during construction.
2. Work causing distressed or dying fish, 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 the Ecology 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/or 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.
3. 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.

YOUR RIGHT TO APPEAL

You have a right to appeal this Order to the Pollution Control Hearing Board (PCHB) within 30 days of the date of receipt of this Order. 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 appeal and a copy of this Order with the PCHB (see addresses below). Filing means actual receipt by the PCHB during regular business hours.
- Serve a copy of your appeal and this Order on 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.

ADDRESS AND LOCATION INFORMATION

Street Addresses	Mailing Addresses
Department of Ecology Attn: Appeals Processing Desk 300 Desmond Drive SE Lacey, WA 98503	Department of Ecology Attn: Appeals Processing Desk PO Box 47608 Olympia, WA 98504-7608
Pollution Control Hearings Board 1111 Israel RD SW STE 301 Tumwater, WA 98501	Pollution Control Hearings Board PO Box 40903 Olympia, WA 98504-0903

CONTACT INFORMATION

Please direct all questions about this Order to:

Jacob McCann
Department of Ecology
Eastern Regional Office
4601 N Monroe St
Spokane, WA 99205-1295
509-329-3584
jmca461@ecy.wa.gov

MORE INFORMATION

- **Pollution Control Hearings Board Website**
www.eho.wa.gov/Boards_PCHB.aspx
- **Chapter 43.21B RCW - Environmental and Land Use Hearings Office – Pollution Control Hearings Board**
<http://apps.leg.wa.gov/RCW/default.aspx?cite=43.21B>
- **Chapter 371-08 WAC – Practice And Procedure**
<http://apps.leg.wa.gov/WAC/default.aspx?cite=371-08>
- **Chapter 34.05 RCW – Administrative Procedure Act**
<http://apps.leg.wa.gov/RCW/default.aspx?cite=34.05>
- **Chapter 90.48 RCW – Water Pollution Control**
<http://apps.leg.wa.gov/RCW/default.aspx?cite=90.48>

- **Chapter 173.204 Washington Administrative Code (WAC) Sediment Management Standards**
<http://www.ecy.wa.gov/biblio/wac173204.html>
- **Chapter 173-200 WAC Water Quality Standards for Ground Waters of the State of Washington**
<http://www.ecy.wa.gov/biblio/wac173200.html>
- **Chapter 173-201A WAC Water Quality Standards for Surface Waters of the State of Washington**
<http://www.ecy.wa.gov/biblio/wac173201A.html>

SIGNATURE

Dated this 31st day of March 2020 at the Department of Ecology, Spokane, Washington



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