



STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY

*PO Box 47775 • Olympia, Washington 98504-7775 • (360) 407-6300
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May 29, 2020

Lower Columbia Estuary Partnership
ATTN: Debrah Marriott
811 SW Naito Pkwy, Suite 410
Portland, OR 97204

RE: Second Amendment to 401 Water Quality Certification Order No. 16154 for U.S. Army Corps of Engineers Reference No. NWP-2015-333, Steigerwald Floodplain Restoration Project, Steigerwald Lake National Wildlife Refuge, Washougal, Clark County, Washington

Dear Debrah Marriott:

Enclosed is the Second Amendment to Water Quality Certification Order No. 16154, issued on April 19, 2019, for the above-referenced project.

On January 23, 2020, the Lower Columbia Estuary Partnership sent an e-mail to Ecology clarifying discrepancies in the wetland impact acreage amounts and correcting an error in the acreage accounting. Ecology also added three conditions to address stormwater concerns associated with contaminated soils. The purpose of this amendment is to reflect those corrections and additions.

In order to clarify the changes made by the Second Amendment to Order No. 16154, we are providing a strikeout version of the §401 WQC for your information.

All other conditions of Water Quality Certification Order No. 16154 remain in effect.

If you have any questions, please contact Lori Kingsbury at (360) 407-6926 or by e-mail at Lori.kingsbury@ecy.wa.gov. The enclosed Amendment may be appealed by following the procedures described in the Amendment.

Sincerely,

A handwritten signature in blue ink, appearing to read "Perry J Lund", is written over a blue circular stamp.

Perry J Lund, Section Manager
Shorelands and Environmental Assistance Program
Southwest Regional Office

e-cc: Brad Johnson, U.S. Army Corps of Engineers, Portland District
Darlene Siegel, Wolf Water Resources
David Ripp, Port of Camas-Washougal
ecyrefedpermits@ecy.wa.gov
Loree' Randall, Ecology
Lori Kingsbury, Ecology
Rebecca Rothwell, Ecology
Laura Inouye, Ecology
Carol Serdar, Ecology

IN THE MATTER OF GRANTING) **ORDER No. 16154**
A WATER QUALITY) **Second Amendment**
CERTIFICATION TO) **Corps Reference No. NWP-2015-333**
Lower Columbia Estuary Partnership)
In accordance with 33U.S.C. 1341)
(FWPCA §401), RCW 90.48.120, RCW)
90.48.260 and Chapter 173-201A WAC)

TO: Lower Columbia Estuary Partnership
ATTN: Debrah Marriott
811 SW Naito Parkway, Suite 410
Portland, OR 97204

On April 19, 2019, the Washington Department of Ecology (Ecology) issued a 401 Water Quality Certification to the Lower Columbia Estuary Partnership for the above-referenced project pursuant to the provisions of 33 U.S.C. 1341 (FWPCA § 401).

Ecology issued the First Amendment to the 401 on December 16, 2019, to reflect some changes to the project description and associated wetland impact amounts.

On January 23, 2020, the Lower Columbia Estuary Partnership sent an e-mail to Ecology clarifying discrepancies in the wetland impact acreage amounts and correcting an error in the acreage accounting. Additionally, Ecology has added three conditions to address concerns regarding stormwater management in relation to contaminated soils. The purpose of this Amendment is to reflect those additions and corrections.

Order No. 16154, dated April 19, 2019, is hereby amended as follows:

I. The following portion of the project description, which reads:

The project will impact approximately 19 acres of wetlands. This project is considered self-mitigating and will result in a net increase of 89.8 acres of wetland area.

Is replaced with:

The project will impact approximately 27.29 acres of wetlands. This project is considered self-mitigating and will result in a net increase of approximately 89.8 acres of wetland area.

II. The following three conditions are added to Section D, Water Quality Monitoring and Criteria Conditions:

9. The Applicant shall implement the *Low-Level Contaminated Soil Management Plan* prepared by Rotschy, Inc. that is a part of its Stormwater Pollution Prevention Plan (SWPP) and dated May 8, 2020.

10. The contractor must use the specified analytical methods, detection limits (DLs), and quantitation levels (QLs) in the following table for monitoring or an alternative method

that produces measurable results in the sample and EPA has listed it as an EPA-approved method in 40 CFR Part 136. If the contractor uses an alternative method not specified in the Order and as allowed above, it must report the test method, DL, and QL on the discharge monitoring report.

11. If a discharge occurs from the area of known Chlordane contaminated soil (see maps LLCS 1-4 of the *Low-level Contaminated Soil Management Plan* dated May 8, 2020), or any of the areas of dewatering of newly located contaminated soil, the discharge water will be sampled for the parameter seen in the Table below. Additionally, the Applicant shall:
- Submit a final lab report and chain of custody to Ecology within 24 hours of receipt of electronic copy.
 - Report to Ecology's Southwest Regional Spill Response Office if the lab report states the water sampled is above the indicator level on Table 1.
 - Follow all additional sampling and reporting requirements per Order No. 16154 and Ecology's Construction Stormwater General Permit.

Pollutant & CAS* No. (if available)	Sampling Frequency	Sample Type	Indicator Level, $\mu\text{g/L}$ unless otherwise noted	Required Analytical Protocol	Detection Level, ng/L^a	Quantitation Level, ng/L^a
PESTICIDES/PCBS						
Chlordane (57-74-9)	When discharge occurs	Grab	2.4 ^b	608.3	14	42.0
*	The CAS Number is the Chemical Abstract Service (CAS) number					
a	Units for Chlordane are shown as ng/L based on Appendix A (List of Pollutants...); indicator level is shown as $\mu\text{g/L}$. Lab report should report as $\mu\text{g/L}$.					
b	Acute – Freshwater Toxic Substances Criteria (WAC 173-201A-240)					

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 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 both 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 Road SW, Suite 301 Tumwater, WA 98501	Pollution Control Hearings Board PO Box 40903 Olympia, WA 98504-0903

CONTACT INFORMATION

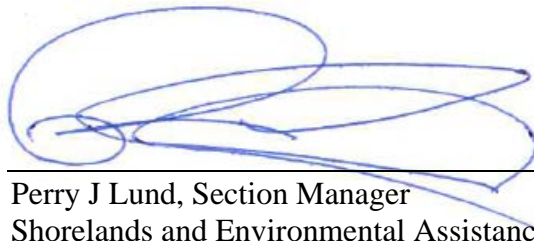
Please direct all questions about this Order to:

Lori Kingsbury
Department of Ecology
Southwest Regional Office
PO Box 47775
Olympia, WA 98504-7775
Lori.kingsbury@ecy.wa.gov

MORE INFORMATION

- a. Pollution Control Hearings Board Website
<http://www.eluho.wa.gov/Board/PCHB>
- b. 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>
- c. **Chapter 371-08 WAC – Practice And Procedure**
<http://app.leg.wa.gov/WAC/default.aspx?cite=371-08>
- d. **Chapter 34.05 RCW – Administrative Procedure Act**
<http://app.leg.wa.gov/RCW/default.aspx?cite=34.05>

SIGNATURE



Perry J Lund, Section Manager
Shorelands and Environmental Assistance Program
Southwest Regional Office
Department of Ecology

May 29, 2020

Date

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 only for informational purposes.

December 16, 2019, First Amendment changes are reflected in RED

May 29, 2020, Second Amendment changes are reflected in BLUE

IN THE MATTER OF GRANTING A)	ORDER No. 16154
WATER QUALITY)	Corps Reference No. NWP-2015-333
CERTIFICATION TO)	Steigerwald Floodplain Restoration Project,
Lower Columbia Estuary Partnership)	Wetlands, Gibbons Creek, and the Columbia
ATTN: Debrah Marriott)	River, Clark County, Washington
in accordance with 33 U.S.C. 1341)	
(FWPCA § 401), RCW 90.48.120, RCW)	
90.48.260, and Chapter 173-201A WAC)	

TO: Lower Columbia Estuary Partnership
ATTN: Debrah Marriott
811 SW Naito Parkway, #410
Portland, OR 97204

On April 23, 2018, the Department of Ecology (Ecology) received a Joint Aquatic Resources Permit Application (JARPA) from the Lower Columbia Estuary Partnership requesting a Section 401 Water Quality Certification (WQC) under the federal Clean Water Act to construct the Steigerwald Floodplain Restoration Project. A public notice regarding the request was distributed by the Department of Ecology for the above-referenced project pursuant to the provisions of Chapter 173-225 WAC on September 28, 2018.

The proposed floodplain restoration will include the removal of the FDR levee within the project boundary and excavating connection channels between the Refuge and the Columbia River. New setback levees will be constructed at the eastern and western extents of the project to maintain flood protection for the adjacent properties and infrastructure. The western setback levee will cross SR 14 with a closure structure and continue along the west side of Gibbons Creek as a flood wall/berm to high ground. The SR 14 roadway along the norther boundary of the Refuge will be raised (an average of 1.5 feet for approximately 1100 linear feet) to reduce impacts of extreme flood events.

Gibbons Creek and its alluvial fan will be restored through the removal of the diversion structure, the elevated canal, and the culvert and fish ladder at the downstream end of the creek. The channel will be restored to a more natural alignment with improved channel complexity through the addition of a floodplain bench, large wood, riffles, and pools.

Wetland areas within the floodplain will be re-created within the project area. Approximately 2100 CY of large woody debris will be placed along 1500 linear feet in floodplain channels to enhance aquatic habitat. The trail system along the remnant levee will be reconfigured and will include two pedestrian bridge crossings along the primary connection channels. Wetland and riparian areas within the project area will be revegetated with native plant species, and invasive species will be removed to the extent possible.

The refuge parking lot will be relocated to the western end of the project area. The existing Columbia River levee will be removed, and the floodplain will be reconnected to the Columbia River via four floodplain channels.

~~The project will impact 23.2 acres of Category II wetlands. This project is considered self-mitigating and will result in the net increase of 91.8 acres of wetlands, with an additional 8.1 acres of wetland enhancement.~~

~~The project will impact approximately 19 acres of wetlands. The project will impact approximately 27.29 acres of wetlands. This project is considered self-mitigating and will result in a net increase of 89.8 acres of wetland area.~~

The purpose of the proposed project is to restore floodplain functions and habitat to the lower Columbia River for the benefit of juvenile salmonids and other fish and wildlife. The project will maintain the existing level of flood protection to adjacent properties and reduce impact from interior drainage flooding of Gibbons Creek.

The project is located on the Steigerwald Lake National Wildlife Refuge and neighboring properties located east of the City of Washougal along State Route 14 at approximately 35001 Lewis and Clark Highway (SR 14), Washougal, Clark County, Washington; Sections 14, 15, 16, 21, 22, and 23, Township 1 North, Range 4 East; WRIA 28, Salmon-Washougal 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 Lower Columbia Estuary Partnership subject to the conditions within this Order.

Certification of this proposal does not authorize the Lower Columbia Estuary Partnership 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 certification absolves the Lower Columbia Estuary Partnership 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:

1. In this Order, the term "Applicant" shall mean the Lower Columbia Estuary Partnership and its agents, assignees, and contractors.
2. All submittals required by this Order shall be sent to Ecology's Southwest Regional Office, Attn: Federal Permit Manager, SEA Program, P.O. Box 47775, Olympia, WA 98504-7775 or by e-mail (preferred) to fednotification@ecy.wa.gov with a copy to lori.kingsbury@ecy.wa.gov. All submittals shall reference Order No. **16154** 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 JARPA package received by Ecology on April 23, 2018.
4. The Applicant shall obtain Ecology review and approval before undertaking any changes to the proposed project that might significantly or 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 shall be rescinded if the U.S. Army Corps of Engineers (Portland District) does not issue a Section 404 permit for this project.
7. The Applicant shall send (per A.2) a copy of the final Section 404 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 upon request by Ecology personnel for site inspections, monitoring, necessary data collection, and/or to ensure that the 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 amendment 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 the 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 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 site.**
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 the conditions of this Order.
14. 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 the terms of this Order.

B. Notification Requirements:

1. The following notifications shall be made via phone or e-mail (e-mail is preferred) to Ecology's Federal Permit Manager. E-mail notifications shall be sent to fednotification@ecy.wa.gov with a copy to lori.kingsbury@ecy.wa.gov. All notifications shall be identified with Order No. **16154** and include the Applicant name, project name, project location, project contact, and the contact's phone number.
 - a. Immediately following a violation of the state water quality standards or when the project is out of compliance with any conditions of this Order.
 - b. At least ten (10) days prior to all pre-construction meetings;
 - c. At least ten (10) days prior to conducting initial in-water work activities for each in-water work window.
 - d. Within ten (10) days after project completion.
2. If project construction is not completed within thirteen (13) months of issuance of this Order, the Applicant shall submit (per conditions A.2 of this Order) a written construction status report. Status reports shall be submitted every twelve (12) months thereafter until project construction is complete.

C. Timing Requirements:

1. This Order will expire five (5) years from the date of issuance.
2. All in-water work shall be completed within the in-water work window between June 1 and October 15 of any given year. 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.

D. Water Quality Monitoring and Criteria Conditions:

1. Gibbons Creek is categorized as salmonid spawning, rearing, and migration; and the Columbia River at this location is categorized as char spawning and rearing. The criteria of those categorizations apply as described in WAC 173-201A-600 and WAC173-201A-200(1), except as specifically modified by this Order.
2. This Order does not authorize the Applicant to exceed applicable state water quality standards beyond the limits established in WAC 173-201A-200(1)(e).
3. The Applicant shall revise the *Draft Water Quality Monitoring Plan (WQMP)*, *Steigerwald Floodplain Restoration Project* prepared by Wolf Water Resources to address Ecology comments made via e-mail on April 5, 2019, and to be consistent with the conditions of this Order. A final WQMPP 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 plan on the project site.
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. Results of the water quality monitoring shall be documented in a report and submitted to Ecology's Federal Permit Manager weekly (per Condition A.2 of this Order) during the identified in water work activities.
6. If water quality exceedances 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.
7. Notification of exceedances shall be made to Ecology **within 24 hours of occurrence**. Notification shall be made with reference to Order No. **16154**, Attn: Federal Permit Manager, by telephone at (360) 407-6926 or by e-mail at lori.kingsbury@ecy.wa.gov. The Applicant shall, at a minimum, provide Ecology with the following information:
 - a. A description of the nature, extent, and cause of the exceedance.
 - b. The period of non-compliance, including exact dates, duration, and times and/or the anticipated time when the project will return to compliance.
 - c. The steps taken, or to be taken, to reduce, eliminate, and prevent recurrence of the non-compliance.
 - d. 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, water quality monitoring results and location, photographs, and any other pertinent information.

8. Mitigation and/or additional monitoring may be required if the monitoring results indicate that the water quality standards have not been met.
9. The Applicant shall implement the *Low-Level Contaminated Soil Management Plan* prepared by Rotschy, Inc. that is a part of its Stormwater Pollution Prevention Plan (SWPP) and dated May 8, 2020.
10. The contractor must use the specified analytical methods, detection limits (DLs) and quantitation levels (QLs) in the following table for monitoring or an alternative method that produces measurable results in the sample and EPA has listed it as an EPA-approved method in 40 CFR Part 136. If the contractor uses an alternative method not specified in the Order and as allowed above, it must report the test method, DL, and QL on the discharge monitoring report.
11. If a discharge occurs from the area of known Chlordane contaminated soil (see maps LLCS 1-4 of the *Low-level Contaminated Soil Management Plan* dated May 8, 2020), or any of the areas of dewatering of newly located contaminated soil, the discharge water will be sampled for the parameter seen in the Table below. Additionally, the Applicant shall:
 - a. Submit a final lab report and chain of custody to Ecology within 24 hours of receipt of electronic copy.
 - b. Report to Ecology's Southwest Regional Spill Response Office if the lab report states the water sampled is above the indicator level on Table 1.
 - c. Follow all additional sampling and reporting requirements per Order No. 16154 and Ecology's Construction Stormwater General Permit.

Pollutant & CAS* No. (if available)	Sampling Frequency	Sample Type	Indicator Level, µg/L unless otherwise noted	Required Analytical Protocol	Detection Level, ng/L ^a	Quantitation Level, ng/L ^a
PESTICIDES/PCBS						
Chlordane (57-74-9)	When discharge occurs	Grab	2.4 ^b	608.3	14	42.0
*	The CAS Number is the Chemical Abstract Service (CAS) number					
a	Units for Chlordane are shown as ng/L based on Appendix A (List of Pollutants...); indicator level is shown as µg/L. Lab report should report as µg/L.					
b	Acute – Freshwater Toxic Substances Criteria (WAC 173-201A-240)					

E. Construction Conditions:

General

1. The Applicant shall obtain and comply with the conditions of the current Construction Stormwater Permit (National Pollutant Discharge Elimination System – NPDES) issued for this project.
2. The project shall be clearly marked/staked prior to construction. All clearing limits, travel corridors, stockpile locations, and staging areas shall be clearly marked. Sensitive areas and their buffers that are to be protected from disturbance shall be marked so as to be clearly visible to equipment operators and maintained until all work is complete. All project staff shall be trained to recognize construction fencing or flagging that identifies sensitive area boundaries. Equipment shall enter and operate within the marked clearing limits corridors and stockpile areas.
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.
4. All work in and adjacent to waters of the state shall be conducted so as 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 clearing, filling, and grading work and shall be maintained throughout construction.
5. No construction or waste material shall be stored or stockpiled on a temporary or permanent basis at or below the OHWM. 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. 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.
- ~~7. The Applicant shall have a boat available on site during in- and over-water construction activities to immediately retrieve any debris entering the water.~~
7. The Applicant shall have a boat available on site during in- and over-water construction activities in non-wade-able waters to immediately retrieve any debris entering the water.
8. Material from DMMU STWD-02 has been determined unsuitable for in-water disposal. This material shall be excavated to a depth of 18 inches and placed in an upland location with no possibility of entry into waters of the state, including wetlands. The placement area shall be covered with a minimum of two feet of clean soil and the location mapped and recorded using GPS coordinates to prevent future disturbance. GPS coordinates shall be provided to Ecology as outlined below.
9. After completion of all site grading and planting, the Applicant shall submit to Ecology (per condition A.2 of this Order) an as-built report, including plan sheets, documenting

the new site conditions including the mapped location and GPS coordinates of the material placement referenced in condition E.8 above. The as-built report must:

- a. Be submitted within 90 days of completing construction and planting. Include one hard copy and one electronic file.
- b. Include the information listed in Attachment B (Information Required for As-built Reports).

Equipment & Maintenance

10. All equipment operating within and over state waters shall utilize only vegetable-grade biodegradable hydraulic fluid.
11. Accumulation of soils or debris shall be removed from the drive mechanisms and the undercarriage of equipment prior to use. Appropriate BMPs shall be implemented to minimize track-out during construction.
12. All equipment operating within or directly over waters of the state shall be free of external petroleum-based products. 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.
13. 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 (with additional BMPs) and obtain approval from Ecology's Federal Permit Manager before placing the staging area within the 50-foot setback area.
14. 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. Wash water containing oils, grease, or other hazardous materials resulting from wash down of equipment or working area shall be contained for proper disposal, and shall not be discharged into waters of the state.
15. Machinery and equipment used during construction shall be serviced, fueled, and maintained on uplands a minimum of 50 feet, and where practical, 200 feet from waters of the state in order to prevent contamination of surface waters.

Culvert Work/Temporary Diversion Structures/Dewatering

16. Culvert replacement /installation shall be conducted in the dry or in isolation from surface waters.
17. Culverts shall be installed and maintained to avoid inlet scouring and prevent erosion.
18. Temporary cofferdams, bladder dams, sandbag dams, floating turbidity curtains, and bypasses used to divert water around the work area shall be in place prior to initiation of work within the wetted perimeter.

19. The temporary diversion/bypass shall be of sufficient size, constructed of non-erosive materials, and installed to divert the entire flow through the bypass or around the isolated work area for the duration of the project.
20. The diversion system shall be designed and operated so as not to cause erosion in the channel or on the bank of the waterbody in which the work is being conducted.
21. Turbid de-watering water shall not be discharged directly to waters of the state, including wetlands. Turbid de-watering water shall be routed to an upland area for settling.
22. Clean de-watering water that has been tested and confirmed to meet water quality standards may be discharged directly to waters of the state, including wetlands. The discharge outfall method shall be designed and operated so as not to cause erosion or scour in the stream channel, along the banks, or within the vegetation.
23. Pumps and other equipment associated with dewatering activities shall be inspected a minimum of twice per day when in use to ensure proper operation and maintenance.
24. Prior to returning water flow to the work area, all bank protection measures shall be in place.
25. To minimize sediment releases, re-introduction of water into the isolated work area shall be done gradually, in order to minimize the mobilization of sediments and fines.
26. Upon completion of the project, all material used in the temporary bypass shall be removed from the site and the site returned to pre-project or improved conditions.

F. Emergency/Contingency Measures:

1. The Applicant shall develop and implement a Spill Prevention Control and Countermeasure Plan for all aspects of this project.
2. The Applicant shall have adequate and appropriate spill cleanup material available on site at all times.
3. 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.
4. 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.
5. Any 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 Federal Permit Manager per condition B.1 of this Order and immediately take the following actions:
 - a. Cease operations at the location of the non-compliance problem.
 - 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 the potential for entry into state waters, containment and cleanup efforts shall begin immediately and shall be completed as soon as possible, taking precedence over normal work. Cleanup shall include the proper disposal of any spill material and used cleanup material.
 - d. Immediately notify the Ecology's Southwest Regional Spill Response Office at 360-407-6300 and the Washington State Department of Fish & Wildlife Southwest Region 5 Office at 360-696-6211 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 Washington Emergency Management Division at 1-800-258-5990 and the National Response Center at 1-800-424-8802, for actual spills to water only.
6. Notify Ecology's Regional Spill Response Office immediately if chemical containers (e.g. drums) are discovered on-site or any conditions are present that indicate disposal or burial of chemicals that may impact surface or ground water.