STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY
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August 28, 2020

Chief Laura Boerner
Environmental and Cultural Resources Branch
U.S. Army Corps of Engineers, Seattle District
P.O. Box 3755
Seattle, WA 98124-3755

RE: Conditional Concurrence for the U.S. Army Corps of Engineers Project: Kenmore Federal Navigation Channel Maintenance Dredging, Kenmore, Washington

Dear Laura Boerner:

The Department of Ecology (Ecology) is issuing a Conditional Concurrence for the Army Corps of Engineers, Seattle District's (Corps) Consistency Determination (CD) for the above-mentioned project. The Project consists of conducting routine maintenance dredging of accumulated sediment from the Kenmore Navigation Channel.

Ecology received the Corps's consistency determination on May 26, 2020 and requested a 15-day extension until August 9, 2020, and then on August 4th the Corps granted a second extension until August 28th. Ecology has concerns that the project may not meet the state water quality standards as described in the CD and thus not be consistent with Washington's Coastal Zone Management Program's (WCZMP) enforceable policies. The conditions contained in this decision will allow the project to be consistent with the WCZMP's policies, specifically those found in the State Water Pollution Control Act and its implementing standards and regulations. Ecology's conditions include the following:

1. The Corps must conduct all work in a manner that does not exceed applicable turbidity standards beyond the limits established in WAC 173-201A-200(1)(e)(i) or applicable standards beyond the limits established in WAC 173-201A(200).
    a. In order for Ecology to monitor the project and ensure that all enforceable policies are being met to the maximum extent practicable, the Corps shall notify Ecology at least 10 days prior to start of work and within 24 hours of

project completion to fednotification@ecy.wa.gov with a copy to Loree.Randall@ecy.wa.gov.

b. The Corps has indicated that it will be conducting water quality monitoring during the dredging, barge transit, and transloading. Ecology requests that the water quality monitoring data be submitted on a weekly basis to fednotification@ecy.wa.gov with a copy to Loree.Randall@ecy.wa.gov.

c. If any violations of state water quality standards are recorded during the water quality monitoring, the Corps must notify Ecology within 24 hours of the violation at fednotification@ecy.wa.gov with a copy to Loree.Randall@ecy.wa.gov. Ecology may ask that a detailed written report be submitted within five days to determine if any coastal resources or uses have been affected. This report would describe 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.

2. Any modifications to the project, or changes in methodology from that described in the revised *Coastal Zone Management Act Consistency Determination, Kenmore Federal Navigation Channel Maintenance Dredging, Seattle, Washington*, dated February 2020 and received by Ecology on August 12, 2020, that could affect coastal resources or uses should be submitted to Ecology for review at fednotification@ecy.wa.gov with a copy to Loree.Randall@ecy.wa.gov.

3. During barge transit and transloading the Corps shall consider adding additional best management practices from the attached list to the project contract, for the protection of water quality.

Ecology's conditional concurrence is issued pursuant to 15 CFR part 930 (4). If the Corps does not comply with the above conditions in this decision letter, then all parties shall treat this conditional concurrence as an objection pursuant to 15 CFR 930 subpart C.

Should you have any questions regarding Ecology's concurrence, please contact Therese Swanson at 360.584.3744 or terry.swanson@ecy.wa.gov.

YOUR RIGHT TO APPEAL

You have a right to appeal this decision to the Pollution Control Hearing Board (PCHB) within 30 days of the date of receipt of this decision. 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 decision: File your appeal and a copy of this decision 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 decision 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 **Pollution Control Hearings Board** 1111 Israel RD SW STE 301 Tumwater, WA 98501	**Department of Ecology** Attn: Appeals Processing Desk PO Box 47608 Olympia, WA 98504-7608 **Pollution Control Hearings Board** PO Box 40903 Olympia, WA 98504-0903

Sincerely,

Brenden McFarland, Section Manager
Environmental Review and Transportation Section
Shorelands and Environmental Assistance Program

EC: Ray Collin, USACE
Mike Scuderi, USACE
Rebekah Padgett, Ecology
Maria Sandercock, Ecology
Loree' Randall, Ecology
ECYREFEDPERMITS
Kerry Kehoe, NOAA

Transit and Transloading BMPs

BMPs related to barge transit:

- Barges transiting from dredge location to transload location shall contain ALL material, water or sediment, during transit. Dewatering is not allowed in transit.
- Dredged material should not be above the sidewalls at anytime during transit.

BMPs related to transloading:

The contractor will prepare a Transload Transport and Disposal (TTD) Contractors Work Plan. The TTD Work Plan will include (but not be limited to) the following BMPs (as applicable):

BMPs related to unloading of sediments from barges at the TTD facility

- There will be no dewatering from the barge at the transloading site.
- Wharf decking and all surfaces that can come in contact with dredged sediment and associated water must be made of solid (no slats) impermeable materials. Be prepared to block and pump wharf area during transloading if rainwater accumulates.
- Sheeting or some type of impermeable lining must be placed under the travel area of the bucket to capture any spills. Spills outside of the area covered by the sheet will be cleaned up immediately.
- Dockside sediment control (e.g., sweeper truck, shoveling, sweeping, wash down) shall occur as often as necessary to avoid the tracking of sediment by vehicles and personnel and generally maintain a clean site and shall include the dock, transload area and the haul routes.
- Excavator must be sealed for no leakage (e.g., environmental bucket)
- Have spotter present at all times to check that there is no leakage in bucket before transferring material from barge.
- Transfer of dredged material should occur in a fashion that minimizes splash and splatter of the material.
- The transloading crane must have a spill apron deployed between the barge and shore during off-loading operations to prevent the release of spilled material into the water.
    - The apron must be made of impermeable material and not have seams that would allow leakage into the water.
    - The apron will collect material dripped from the clamshell, including rainfall and route it back into the barge or into dock-side containment structure.
    - The spill apron must be wide enough that material will not fall off the sides and may include wing walls to increase the level of protection.
    - Material shall not be allowed to accumulate on the spill apron.
    - Containment measures (e.g., straw bales/wattles, filter fabric) should be used to capture water running down the apron.
    - The apron must be able to track up and down with the barge during tidal fluctuations in order to prevent separation of the apron from the barge.

- Before moving the crane/excavator, the spill apron and bucket must be decontaminated with a pressure washer and the water captured and contained. Wash water will not be left on the barge.
- If Solidification/Stabilization agents are being used to reduce the spreading of material through splash and dripping, indicate what stabilizer, mixing locations, etc.
- The facility must have the ability to keep the barge tied up close to dock during tidal fluctuations.

BMPs related to storm water management

- The facility will have a NPDES Industrial Stormwater General Permit which will regulate all discharges to surface waters.
- Facility will have a Stormwater Pollution Prevention Plan that describes operational and structural source control BMPs related to barge material transloading. The SWPPP will be available for review by all involved or interested agencies.
- SWPPP will describe the routing and ultimate disposal of any water from the dredged material, all stormwater collected within the dredge material handling area, any water that is used for wash-down of trucks and equipment, and any water that may come in contact with the dredged material or dredged material handling equipment. *No stormwater associated with transloading will be discharged into the TTD facilities storm water treatment system or discharged back into the river unless it is covered under an NPDES permit and the SWPPP includes measures that ensure removal of the contaminants which is sufficiently stringent to meet both acute and chronic Water Quality Criteria. If water is being treated at the TTD facility for eventual discharge into the river, a WQMP must be submitted for approval 30 days prior to use of the facility and will include both physical (turbidiy, pH, DO) and chemical (based on materials being handles at the facility) monitoring.*
- SWPPP will discuss the design storm criteria including how big a storm event has been designed to be "zero-discharge". SWPPP will also discuss the contingency for overflows in excess of the design storm and controls to minimize stormwater adding to the water coming off the dredged sediments.

BMPs related to containment and treatment of water generated during transloading:

- The dredge material handling will take place in an exclusion zone that will be completely isolated from the remainder of the facility's storm water system. Water associated with the dredge material (not stormwater) is under the separate jurisdiction and detailed plans for water treatment must be provided unless it is already covered under an existing transloading NPDES permit. NPDES-like conditions will apply if water is moved to an upland facility and treated prior to release.
- After the completion of each transload project, the surrounding work area will be washed and the wash water captured and either shipped offsite with transloaded material, or disposed of properly offsite as described in the SWPPP.
- Between transload projects, accumulated stormwater shall not be discharged via industrial stormwater infrastructure and treatment system unless it is shown by sampling and chemical testing that it is not carrying residual from transloading activities. In that

case, the accumulated stormwater can be removed receive further treatment by the facilities existing stormwater treatment system consistent with current practices and the SWPPP

BMPS related to transport of off-loaded material

- Railcars or trucks will sealed or lined in such a way as to prevent spills and contain splashes.
- If liners will be installed in the truck/railcars, this will be done at a station that provides adequate access and fall protection. Each liner will be visually inspected, prior to loading the truck/rail car, to ensure liner integrity.
- Loading of the truck/railcars will take place within an exclusion zone, which will be established to contain any spilled material that may occur while loading. The exterior of the trucks and tires will be washed prior to leaving the loading area. All loads will be inspected to ensure no dredge materials are on the outside of the truck/rail car, and that the boxes are sealed and not leaking. Any spilled dredge material and water generated from cleaning the exterior of the trucks will be captured and either shipped offsite with transloaded material, or disposed of properly offsite as described in the SWPPP.
- Loading practices (e.g., partially loading to provide freeboard; loading near centerline of car) will be employed to maximize liner effectiveness and to prevent spillage.
- A wheel wash must be installed if sediment is getting on the deck (dock) where trucks or other vehicles are passing through.
- Wheel wash water cannot be allowed to enter surface waters or storm drains. Wheel wash wastewater must be collected and hauled off for proper disposal or routed to sanitary sewer with proper local sewer district approval.

BMPs related to stockpiling material on-site

Direct transfer to trucks or railcars is preferred, but if stockpiles must be used, then the following BMPS must be addressed:

- Stockpile area must be bermed and provide a covered area for dredged material.
- The stockpile area will be on an impervious surface.
- A system for treating and testing water from the stockpile must be in place that complies with 401 Water Quality Certification or its equivalent.
- Stockpile areas will be inspected daily and after high precipitation events.

Spill-related BMPs

- If spill occurs – dock, barge and crane should be photographed and then immediately cleaned and decontaminated.
- The Agencies should be notified of the incident immediately. A memo will be prepared and submitted to the Agencies describing the incident and providing specifics on the material released, possible causes and actions taken. The location and amount of any sediment that enters the waterway will be documented. If possible, the spilled material will be retrieved from the waterway in the most expeditious manner possible

Worker Safety BMPs

- Site Specific Health and Safety Plan will be submitted to Agencies for review and approval.
- General site workers (such as equipment operators, spotters, general laborers and supervisory personnel) engaged in hazardous substance removal or other activities which expose or potentially expose workers to hazardous substances and health hazards shall receive a minimum of 40 hours of instruction off the site (e.g., HAZWOPER training), and a minimum of three days actual field experience under the direct supervision of a trained experienced supervisor
- Exclusion, contamination reduction, and support work zones will be established and all personnel participating in transloading will wear appropriate personal protective equipment (PPE) while unloading barges, loading containers, handling loaded containers and cleaning the work area.