



STATE OF WASHINGTON  
DEPARTMENT OF ECOLOGY

PO Box 47775 • Olympia, Washington 98504-7775 • (360) 407-6300

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September 28, 2017

Mr. Darrel Andrews  
PO Box 1640  
Shelton, WA 98584-0996

RE: Water Quality Certification Order No. **15395** for Corps Public Notice No. **NWS-2016-785** for the Andrews Residence Bank Stabilization Project, Hammersley Inlet, Shelton, Mason County, Washington

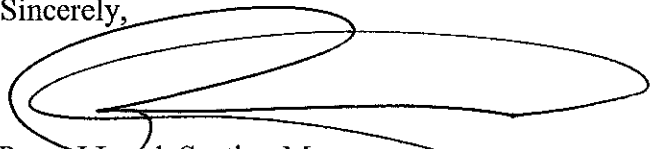
Dear Mr. Andrews:

On September 8, 2016, you submitted a Joint Aquatic Resource Permit Application (JARPA) to the Department of Ecology (Ecology) for a Section 401 Water Quality Certification (401 Certification) under the federal Clean Water Act to place approximately 72 cubic yards of concrete on the bank along 180 linear feet of shoreline to stabilize an eroding bluff. The U.S. Army Corps of Engineers issued a Joint Public Notice on July 12, 2017, for the proposed project.

On behalf of the State of Washington, Ecology certifies that the work described in the JARPA and the public notice complies with applicable provisions of Sections 301, 302, 303, 306, and 307 of the Clean Water Act, as amended, and applicable state laws. This certification is subject to the conditions contained in the enclosed Order.

If you have any questions, please contact Lori Kingsbury at (360) 407-6926. The enclosed Order may be appealed by following the procedures described in the Order.

Sincerely,



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

Enclosure

By Certified Mail 91 7199 9991 7036 9326 9388

cc: Jason Sweeney, Corps of Engineers  
Racheal Villa, Sound View Consultants, LLC  
Grace Miller, Mason County  
Margie Bigelow, WDFW



e-cc: [ecyrefedpermits@ecy.wa.gov](mailto:ecyrefedpermits@ecy.wa.gov)  
Loree' Randall, HQ/SEA  
Rick Mraz, SWRO/SEA  
Lori Kingsbury, SWRO/SEA  
Chris Montague-Breakwell, SWRO/WQ

**IN THE MATTER OF GRANTING A ) ORDER No. 15395**  
**WATER QUALITY ) Corps Reference No. NWS-2016-785**  
**CERTIFICATION TO ) Andrews Bank Stabilization, Hammersley Inlet,**  
**Mr. Darrell Andrews ) Shelton, Mason 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: Mr. Darrell Andrews  
PO Box 1640  
15 Southeast Skookum Drive  
Shelton, WA 98584-0996

On September 8, 2016, you submitted a Joint Aquatic Resource Permit Application (JARPA) to the Department of Ecology (Ecology) requesting a Section 401 Water Quality Certification. The JARPA was withdrawn and re-submitted on August 10, 2017. A Joint Public Notice regarding the request was distributed by the U.S. Army Corps of Engineers (Corps) for the above-referenced project pursuant to the provisions Chapter 173-225 WAC on July 12, 2017.

The proposed bank stabilization project would reinforce approximately 180 linear feet of a 20-foot vertical shoreline bluff with shotcrete (a pneumatically-placed concrete). Site preparation requires the removal of a chain link fence located at the top of the slope and existing vegetation within the project area using manual tools and/or an excavator. Formwork for the shotcrete will be installed by driving rebar spikes into the slope at approximately six to eight foot centers and attaching steel rod mesh to the spikes. A six to eight-inch layer of shotcrete will be sprayed onto the form work via a long-armed crane positioned on the upland portion of the subject property with a worker positioned in the overhanging bucket that will be extended downward along the face of the vertical bluff.

The purpose of the project is to stabilize the eroding bluff and protect a single family residence.

The Applicant is proposing onsite permittee-responsible compensatory mitigation in the form of planting of native vegetation in the upland area and placement of beach nourishment annually.

The project is located along Hammersley Inlet of Puget Sound at 15 Southeast Skookum View Drive, Shelton, Mason County, Washington; SW Section 24, Township 20 North, Range 3 West, WRIA 14, Kennedy-Goldsborough Watershed.

#### **AUTHORITIES:**

In exercising authority under 33 U.S.C. 1341, 16 U.S.C. 1456, 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, Ecology certifies that it has reasonable assurance that the activity as proposed and conditioned will be conducted in a manner that will not violate 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 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 certification 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:**

1. For purposes of this Order, the term "Applicant" shall mean Mr. Darrell Andrews and his agents, assignees and contractors.
2. For purposes of this Order, all submittals required by its conditions shall be sent either by regular mail to Ecology's Southwest Regional Office, Attn: Federal Permit Manager, SEA Program, P.O. Box 47775, Olympia, WA 98504-7775 or via e-mail to [fednotification@ecy.wa.gov](mailto:fednotification@ecy.wa.gov) with a copy to [Lori.kingsbury@ecy.wa.gov](mailto:Lori.kingsbury@ecy.wa.gov). All submittals shall reference Order No. 15395 and Corps No. NWS-2016-785.
3. Work authorized by this Order is limited to the work described in the JARPA received by Ecology on September 8, 2016. The Applicant must submit updated information if the information contained in the JARPA is voided by subsequent changes to the project not authorized by this Order.
4. Within 30 days of receipt of the updated information, Ecology will determine whether the revised project requires a new Water Quality Certification and public notice or if a modification to this Order is required.
5. This Order shall be rescinded if the U.S. Army Corps of Engineers does not issue a permit for this project.

6. 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.
7. 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.
8. 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 orders, 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.
9. 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 each project engineer and contractor that they have read and understand the conditions of this Order and the above-referenced permit, plans, documents, and approvals. These statements shall be provided to Ecology before construction begins at the project site.
10. 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 conditions of this Order.
11. 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:**

1. This Order does not authorize temporary exceedances of water quality standards beyond the limits established in WAC 173-201A-210 (1) (e) and WAC 173-201A-210(1)(f). For this project, the following is considered to be an exceedance of the standard:
  - a. 5 NTU over background turbidity when the background turbidity is 50 NTU or less, or more than a ten (10) percent increase in turbidity when the background turbidity is more than 50NTU.
  - b. The point of compliance shall be at a radius of 150 feet from the activity causing the turbidity exceedance.
  - c. pH shall be within the range of 7.0 to 8.5, with a human-caused variation within the above range of less than 0.5 units.
2. The Applicant shall implement and conduct water quality monitoring as described in the approved *Water Quality Monitoring Plan, Andrews Residence – 15 SE Skookum View*

*Drive*, prepared by Soundview Consultants, dated September 2017 or as amended by this Order.

3. Ecology's Federal Permit Manager must approve, in writing, any changes to the approved WQMPP prior to implementing the changes.
4. Results of water quality monitoring shall be documented in the proposed water quality monitoring form and submitted weekly to the Federal Permit Manager per condition A.2. of this Order.
5. If water quality exceedances are observed outside of 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, correct the problem and/or prevent further water quality turbidity exceedances. If an exceedance occurs, the Applicant shall follow the protocols and notification procedures below.
6. Notification of exceedances that are detected through water quality monitoring shall be made to Ecology **within 24 hours of occurrence**. Notification shall be made with reference to Order No. 15395, ATTN: Federal Permit Manager, by telephone at (360)407-6926, or by e-mail to [lori.kingsbury@ecy.wa.gov](mailto:lori.kingsbury@ecy.wa.gov). The Applicant shall, at a minimum, provide Ecology with the following information:
  - a. A description of the nature, cause, and extent of the exceedance.
  - b. The period of non-compliance, including exact dates, duration, and times and/or the anticipated time when the Applicant 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.
7. Mitigation and/or additional monitoring may be required if water quality standards are not met.

**C. Timing:**

1. This Order shall remain in effect for a period of five (5) years from the date of issuance.
2. Work within the ordinary high water mark shall be conducted during the following work window:
  - July 16 through February 15 of any year.

Should any work need to be conducted outside of the above work window, the Applicant shall submit a request for an extended work window to Ecology and other applicable agencies for approval.

**D. Notification Requirements:**

1. Written notifications required by this Order (e-mail is preferred) shall be made to Ecology's Southwest Regional Office Federal Permit Manager, in accordance with condition A.2 above for the following activities:
  - a. Immediately following a violation of the state water quality standards or any condition of this Order.
  - b. At least ten (10) days prior to the onset of work for each construction season.
  - c. Within ten (10) days after completion of construction for each construction season.
2. The Applicant shall provide a copy of the final Corps Permit, within two (2) weeks of receipt of the permit.
3. If project construction is not completed within 13 months of issuance of this Order, the Applicant shall submit a written construction status report. Status reports shall be submitted every 12 months thereafter until project construction is complete.

**E. Conditions for Construction Activities:**

1. All work in and near waters of the state shall be done so as to minimize turbidity, erosion, and other water quality impacts. Construction stormwater, sediment, and erosion control Best Management Practices (BMP's) suitable to prevent exceedances of state water quality standards shall be in place before starting work at the site and shall be inspected daily and maintained throughout project construction.
2. Machinery and equipment used during construction shall be serviced, fueled, and maintained on uplands at least 100 feet from any surface waters in order to prevent contamination from entering waters of the state.
3. All equipment operating over or within waters of the state shall be free of external petroleum-based products. Equipment shall be inspected daily for leaks, prior to starting work.
4. 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. No wash water containing sediments, oils, grease, concrete, grout, or other hazardous materials resulting from wash down of the work area, tools, and equipment, including concrete delivery trucks or other equipment used for concrete work, shall be discharged into state waters or storm drains.
5. The project area shall be clearly marked/staked prior to construction. Travel corridors, equipment access locations, and stockpile sites shall be clearly marked. Equipment shall enter and operate only within the marked corridors.
6. Staging and stockpile areas shall be located a minimum of 50 feet from waters of the state, including wetlands. If a staging and/or stockpile 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 written approval from Ecology's Federal Permit Manager before placing the staging /stockpile location within the setback area.

7. No petroleum products, fresh concrete, lime, chemicals, or other toxic or deleterious material shall be allowed to enter waters of the state.
8. All construction debris, waste material, excess sediment, rock, concrete, and other solid waste shall be properly managed and disposed of in an upland disposal site approved by the appropriate regulatory authority.
9. No material shall be stockpiled below the Ordinary High Water Mark (OHWM).
10. A turbidity curtain with a boom or similar containment system shall be placed around the perimeter of the in-water work area to capture and contain any construction debris that enters the water. Debris contained within the boom shall be removed and disposed of at an approved upland disposal facility by the end of the work day.
11. The Applicant shall have a boat available on site during in/over-water activities to retrieve any debris that enters the water.
12. If a barge is to be used during project construction, it shall be operated in deep water to minimize nearshore propeller wash impacts such as suspension of nearshore sediments.

Concrete Work

13. Spill protection measures shall be in place prior to any concrete delivery over and/or in proximity to waters of the state.
14. Concrete delivery systems shall be inspected daily to prevent any discharges of concrete and/or slurry water into waters of the state.
15. Cast in place, wet concrete and/or grout shall be prevented from entering waters of the state. Uncured concrete and concrete by-products shall be completely sealed off and totally contained using sealed forms or other leak-proof containment systems.
16. All concrete shall be completely cured prior to coming into contact with waters of the state. Impervious material shall be placed over any exposed concrete/grout.
17. Concrete process water shall not enter waters of the state. Any concrete process/contact water discharged from a confined area with curing concrete shall be routed upland to a contained area to be treated and disposed of appropriately with no possible entry to waters of the state.

**F. Mitigation**

1. The Applicant shall mitigate for impacts to the aquatic environment as described in the *Compensatory Mitigation Plan, Andrews Residence – 15 SE Skookum View Drive* (hereafter called the “Mitigation Plan”) prepared by Soundview Consultants and dated April 2017 or as modified by this Order.
2. The Applicant shall submit any changes to the Mitigation Plan in writing to Ecology for review prior to starting work.



**G. Emergency/Contingency Measures:**

1. The Applicant shall develop and implement a Spill Prevention Control and Countermeasures (SPCC) Plan for all aspects of this project and shall have spill cleanup materials and an emergency call list available on site.
2. Any work that is out of compliance with the provisions of this Order, or condition 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 such work, conditions, or discharges occur, the Applicant or operator shall immediately take the following actions:
  - a. Cease operations that are causing the 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 finding distressed or dying fish, the Applicant shall collect fish specimens and water samples in the affected area within the first hours of the event. These samples shall be held in refrigeration or on ice until the Applicant is instructed by Ecology on what to do with them. Ecology may require analysis of these samples before allowing work to resume.
  - d. 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 be completed as soon as possible, taking precedence over normal work. Cleanup shall include the proper disposal of any spill material and used cleanup materials.
  - e. Immediately notify Ecology's 24-hour Spill Response Team at 360-407-6300 **and** within 24-hours of the event, notify Ecology's Federal Permit Manager at 360-407-6926.
  - f. Submit a detailed written report to Ecology's Federal Permit Manager within five (5) days of the event that describes the nature of the event, corrective action taken, and/or planned, steps taken to prevent a recurrence, results of any samples taken, and any other pertinent information.
3. 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.
4. If at any time during work, the Applicant or its contractor finds buried chemical containers, such as drums, or any unusual conditions indicating disposal of chemicals, the Applicant or its contractor shall immediately notify Ecology using the phone numbers listed above.

### **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 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**

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

### **CONTACT INFORMATION**

Please direct all questions about this Order to:

Lori Kingsbury, Federal Permit Manager  
Department of Ecology  
Southwest Regional Office  
P.O. Box 47775  
Olympia, WA 98504-7775  
[Lori.kingsbury@ecy.wa.gov](mailto:Lori.kingsbury@ecy.wa.gov)

**MORE INFORMATION**

**Pollution Control Hearings Board Website**

[www.eho.wa.gov/Boards\\_PCHB.aspx](http://www.eho.wa.gov/Boards_PCHB.aspx)

**Chapter 43.21B RCW - Environmental 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 90.48 RCW – Water Pollution Control**

<http://apps.leg.wa.gov/RCW/default.aspx?cite=90.48>

**Chapter 173.204 WAC – Sediment Management Standards**

[www.ecy.wa.gov/biblio/wac173204.html](http://www.ecy.wa.gov/biblio/wac173204.html)

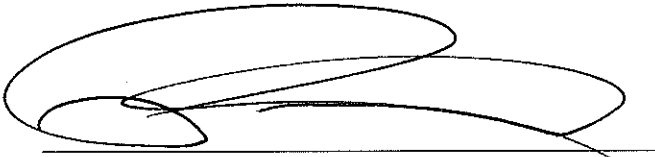
**Chapter 173-200 WAC – Water Quality Standards for Ground Waters of the State of Washington**

[www.ecy.wa.gov/biblio/wac173200.html](http://www.ecy.wa.gov/biblio/wac173200.html)

**Chapter 173-201A WAC – Water Quality Standards for Surface Waters of the State of Washington**

[www.ecy.wa.gov/biblio/wac173201A.html](http://www.ecy.wa.gov/biblio/wac173201A.html)

**SIGNATURE**



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

9/28/2017  
Date

1907-1918

**Attachment A**

Andrews Bank Stabilization  
Order No. **15395**  
Corps Reference No. **NWS-2016-785**  
Statement of Understanding  
Water Quality Certification Conditions

I, \_\_\_\_\_, state that, I will be involved as an agent or contractor for Mr. Darrell Andrews in the construction of a bank stabilization project along the shoreline of Hammersley Inlet at 15 SE Skookum View Drive, Shelton, Mason County, Washington. I further state that I have read and understand the relevant conditions of the Washington Department of Ecology Water Quality Certification Order No. **15395** and the applicable permits and approvals referenced therein which pertain to the project-related work for which I am responsible.

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date

\_\_\_\_\_  
Title

\_\_\_\_\_  
Phone

\_\_\_\_\_  
Company

