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STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY
P.O. Box 47775 • Olympia, Washington 98504-7775 • (360) 407-6300

March 14, 1996

CERTIFIED MAIL

Lone Star Northwest, Inc.
P.O. Box 1730
Seattle, WA 98111

Dear Sir or Madame:

Enclosed is Order No. DE 96WQ-S139. If you have any questions concerning the content of the document, please call or write Loreè Randall at (360) 407-6294 of the Department of Ecology, Southwest Regional Office, P.O. Box 47775, Olympia, Washington 98504-7775. The enclosed Order may be appealed. The appeal procedures are described in the Order.

Sincerely,

A handwritten signature in black ink that reads "Bill Backous".

William H. Backous, P.E.
Southwest Region Supervisor
Water Quality Programs

WHB:cg(enforce)
Enclosure

cc: Sandra Manning, Ecology



DEPARTMENT OF ECOLOGY

IN THE MATTER OF THE REQUEST BY)
Lone Star Northwest, Inc.) ORDER
FOR TEMPORARY MODIFICATION OF) No. DE 96WQ-S139
WATER QUALITY STANDARDS)

To: Lone Star Northwest, Inc.
P.O. Box 1730
Seattle, WA 98111

On February 15, 1996, Lone Star Northwest, Inc., submitted a request for temporary modification of the water quality criteria of Nisqually Reach, a tributary to the Puget Sound, Class AA waters, located in Pierce County, during the period beginning June 15, 1996, and ending March 14, 1997, for the purpose of construction of a new dock, conveyor, and mooring buoy.

In view of the foregoing and in accordance with RCW 90.48.120(2):

IT IS ORDERED that the water quality criteria specified in WAC 173-201A-030(1)(c)(vi) is modified from Section 14, Township 19 N., Range 1 E., for a limited period beginning June 15, 1996, and terminating at midnight, March 14, 1997.

This modification is subject to the following condition(s):

A) Construction Activities. The construction contractor shall use all reasonable measures to minimize the impacts of construction activity on waters of the state. Water quality constituents of particular concern are turbidity, suspended sediment, settleable solids, oil and grease, and pH. Required mitigation measures include, but are not limited to, the following:

- 1) Proper erosion and sediment control practices shall be used on the construction site and adjacent areas to prevent upland sediments from entering the stream channel.
- 2) Work in or near the waterway shall be done so as to minimize turbidity, erosion, other water quality impacts, and stream bed deformation.
- 3) Properly dispose of all construction debris on land in such a manner that it cannot enter into the waterway or cause water quality degradation to state waters.
- 4) Extreme care shall be taken to prevent any petroleum products, fresh cement, lime, or concrete, chemicals, or other toxic or deleterious materials from entering the water in any manner.
- 5) Five (5) days advance notification must be given to the Department of Ecology before dredging or other work in the waterway commences.

B) Pollution Control Inspector

The Pollution Control Inspector shall be on-site, or on-call, and readily accessible to the site at all times while construction activities are occurring that may affect the quality of ground and surface waters of the state, including all periods of construction activities.

C) Spill Prevention and Control

- 1) Any discharge of oil, fuel, or chemicals into state waters, or onto land with a potential for entry into state waters, is prohibited.
- 2) All oil, fuel, or chemical storage tanks shall be diked and located on impervious surfaces so as to prevent spills from escaping to surface waters or ground waters of the state.
- 3) 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.
- 4) Spills into state waters, spills onto land with a potential for entry into state waters, or other significant water quality impacts, shall be reported immediately to the Department of Ecology, Southwest Regional Office at (360) 407-6300 (24-hour phone number).
- 5) If distressed or dead fish are noticed in the vicinity, the proponent shall immediately notify the Department of Ecology, Southwest Regional Office by telephone (360) 407-6300, and take immediate action to identify and eliminate toxic sources causing the problem. The proponent is only responsible for eliminating sources where the proponent, or an agent of the proponent, has some responsibility.

D) Other Requirements

- 1) The activities must comply with all conditions contained in the Washington Department of Fish and Wildlife Hydraulic Project Approval.
- 2) Loreè Randall, Water Quality Inspector for Ecology, must be notified at (360) 407-6294 at least 24 hours prior to commencement of work.
- 3) Copies of this Order shall be kept on the job site and readily available for reference by Lone Star Northwest, Inc., personnel, the construction superintendent, construction managers and foremen, and state and local government inspectors.
- 4) The Department of Ecology, Southwest Regional Office, retains continuing jurisdiction to make modifications hereto through supplemental order, if it appears necessary to protect the public interest during the modification period.
- 5) This approval does not relieve the applicant from the responsibility of meeting applicable regulations of other agencies.

The Department retains continuing jurisdiction to make modifications hereto through supplemental order, if it appears necessary to further protect the public interest during the modification period.

Failure 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.

This Order may be appealed. Your appeal must be filed with the Pollution Control Hearings Board, P.O. Box 40903, Olympia, Washington 98504-0903, within thirty (30) days of your receipt of this Order. At the same time, your appeal must also be served on the Department of Ecology, c/o The Enforcement Officer, P.O. Box 47600, Olympia, Washington 98504-7600; and Ecology's Southwest Regional Office, P.O. Box 47775, Olympia, Washington 98504-7775. Your appeal alone will not stay the effectiveness of this Order. Stay requests must be submitted in accordance with RCW 43.21B.320. These procedures are consistent with Chapter 43.21B RCW.

DATED this 14th day of March, 1996, at Olympia, Washington.



William H. Backous, P.E.
Southwest Region Supervisor
Water Quality Programs