

IMPLEMENTATION AGREEMENT
Between
THE WASHINGTON STATE
DEPARTMENT OF ECOLOGY
and
THE WASHINGTON STATE
DEPARTMENT OF TRANSPORTATION

REGARDING THE USE OF THE WATER QUALITY MODIFICATION GENERAL ORDER

THIS IMPLEMENTATION AGREEMENT (IA) is being adopted pursuant to the Washington State Department of Ecology, (Ecology), and the Washington State Department of Transportation, (WSDOT) Memorandum of Agreement dated August 4, 1988. The 1988 MOA states that the responsibilities of the two agencies requires coordination of technical and environmental information to provide a timely and efficient review of permit applications. Implementing agreements are intended as supplements to the MOA, to describe specific procedures to enhance coordination and cooperation, and improve the time required in the permit process.

I. PURPOSE AND SCOPE

Numerous WSDOT applications and proposals for Short Term Water Quality Modifications (STM) are received by Ecology, many of which are for standard projects with minimal impacts. In an attempt to reduce workload for both agencies and reduce permitting costs for WSDOT, while maintaining compliance with the aquatic laws and regulation of the State of Washington, Ecology has approved the use of a State Wide Short Term Water Quality Modification Order (Order) for WSDOT projects.

II. CRITERIA FOR USE

The Order is approved for use only by WSDOT and WSDOT hired contractors. To obtain compliance with the Order, every WSDOT project that requires a modification to the standards, shall meet the following:

1. All conditions outlined within the signed cover page entitled "Requirements for Use of the Order";
2. All General Conditions within the Order;
3. The Activity Specific conditions within the Order that apply to the proposed work.

III. IMPLEMENTATION (ROLES AND RESPONSIBILITIES)

A. Ecology agrees to:

1. Provide technical support on water quality issues for WSDOT projects and policy development;
2. Decide if the Order will apply, or if an individual water quality modification will be required within;
 - a) 15 days from receipt of a complete JARPA application for new construction projects,
 - b) 15 days from receipt of a request to use new technology, techniques, or Best Management Practices not identified within the Order, or
 - c) 15 days from notice that a project does not appear to be covered in the Activity Specific section, or will not meet the General or Activity Specific conditions of the Order;

3. Provide a decision on approval or denial within 45 days from receipt of a complete JARPA application if it is determined that an individual water quality modification is necessary. A complete application includes State Environmental Policy Act (SEPA) compliance and an approved Hydraulic Project Approval (HPA) if required.

B. WSDOT agrees to:

1. Meet the conditions of the attached Order for all activities that will cause an exceedance to the State of Washington's water quality standards;
2. Immediately notify Ecology's Regional Office, per general condition #14, in the event of a spill, or if the conditions of the Order are violated either by WSDOT, or a WSDOT hired contractor;
3. Notify Ecology through submittal of a JARPA application, or phone contact, for the following:
 - a. all new construction projects (JARPA application required);
 - b. any activity that may result in a discharge to waters of the state but is not described in the Activity Specific section of the Order;
 - c. any project that does not comply with the conditions listed in the Order;
 - d. prior to the use of any new technology, techniques, or BMPs not included in Order;
 - e. to obtain slight revisions to the conditions of the Order for site specific needs or confirm that a specific activity will be covered by the Activity Specific section of the Order;
4. Require any contractor working on WSDOT projects to comply with conditions of the Order if it is being used as the water quality modification for the site. WSDOT is ultimately responsible for compliance of the Order even when the work is contracted out;
5. WSDOT agrees to not appeal the Order.

IV. REVISIONS

Revisions to this Implementation Agreement shall be provided in writing, and agreed to and signed by both parties.

Ecology reserves the right to make revisions and editions to the WSDOT Order that are determined necessary to protect the water quality of the State of Washington.

Revisions to the Order proposed by WSDOT shall originate with the WSDOT Environmental Affairs Office. If the parties to the Order agree, revisions that are needed immediately may be made prior to the yearly review as defined below.

The WSDOT Order shall be reviewed at the end of the first year following implementation, and as needed thereafter (not to exceed every five years). During this review, all proposed changes shall be reviewed and agreed upon by both parties, and changes shall be made one time each year.

This agreement and the attached Order is to be effective upon the date of signature below, for a period of one year. This agreement contains all the terms and conditions agreed upon by the parties. No other understandings, oral or otherwise, regarding the subject matter of this agreement shall be deemed to exist or to bind either of the parties hereto. This agreement may be terminated by either party upon thirty (30) days written notice to the other party.

IN WITNESS WHEREOF, the parties execute this agreement.

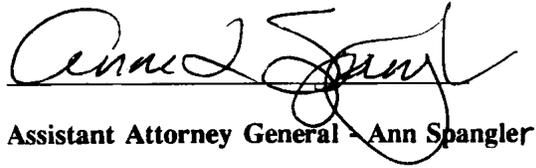
WASHINGTON STATE
DEPARTMENT OF TRANSPORTATION



Jerry Alb, Director
Environmental Services
Washington State Dept. of Transportation

4/16/97 DATE

Approval as to form:



Assistant Attorney General - Ann Spangler

WASHINGTON STATE
DEPARTMENT OF ECOLOGY



Michael T. Llewelyn, Program Manager
Water Quality Program
Washington State Dept. of Ecology

4/14/97 DATE



Assistant Attorney General - Ron Lavigne

DEPARTMENT OF ECOLOGY

IN THE MATTER OF THE REQUEST BY)
(The Washington State Department of Transportation)
FOR A TEMPORARY MODIFICATION OF) ORDER
WATER QUALITY STANDARDS) No. DE 97WQ-006

To: Mr. Jerry Alb, Director
Environmental Services
Washington State Department of Transportation
Olympia, WA 98504

Enclosed are conditions to be used by the Washington State Department of Transportation concerning Short Term Modification of Water Quality Standards for roadway construction, improvements, and maintenance activities which take place in the water.

Requirements for Use of this Order

This Administrative Order is to be used only by The Washington State Department of Transportation (WSDOT) any time work occurring in the water or within the high water mark of the waterbody will unavoidably result in an exceedance of the State Water Quality Standards, WAC 173-201A. To comply with this order:

1. WSDOT shall comply with all General Conditions of this Order for every project where in-water work is occurring or has the potential to violate the State's Water Quality Standards WAC 173-201A.
2. WSDOT shall also comply with the specific conditions within this Order for the type of activity to be completed as defined in the title of each section. If a proposed project does not meet the specific activity types listed, WSDOT shall contact Ecology's Regional Office with jurisdiction at the location of the proposed project to request an individual Short Term Water Quality Modification.
3. This document does not relieve WSDOT from complying with all requirements of the Municipal Storm Water Permit or any Baseline General Storm Water Permit for Construction Activity, nor does this Order authorize the discharge of pollutants to waters of the state.
4. This approval does not relieve the applicant from the responsibility of meeting applicable regulations of other federal, state, and local agencies. In addition, where highway projects cross Native American Indian Reservation boundaries, contact with the Tribe shall be made to address Tribal regulations. Some Tribes have developed and adopted water quality standards separate from state or federal water quality criteria.

5. If construction or maintenance work will be performed in a known or suspected contaminated site, written approval shall be obtained from Ecology Toxic Cleanup Program and submitted to the Water Quality Program of the Regional Office where the project will take place.
6. Ecology reserves the right to require Individual Short Term Water Quality Modifications for sensitive or complex projects. Communication between WSDOT and Ecology Regional Office Water Quality is encouraged.

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

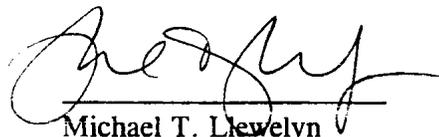
IT IS ORDERED that the water quality criteria specified in Chapter 173-201A-030(1-5)(c)(vi) and 173-201A-110(3)(a-f) is modified based on the attached conditions for a period of one year from issuance.

The Department of Ecology (the Department) retains continuing jurisdiction to make modifications 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.

The Washington Department of Transportation ha agreed to not appeal 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 sent to the Department of Ecology c/o The Enforcement Officer, P.O. Box 47600, Olympia, Washington 98504-7600; and the Water Quality Program, P.O. Box 47600, Olympia, Washington 98504-7600. 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 4/14/97 at Olympia, Washington.



Michael T. Lewelyn
Program Manager
Washington State Department of Ecology

Conditions for Administrative Order

Dealing with Water Quality Standards Modifications for the Washington State Department of Transportation

GENERAL CONDITIONS

The following general conditions shall be met on site during construction for any project that will result in the exceedance of state water quality standards. Precluding development of new technology, techniques, or development of new Best Management Practices, the methods set forth in the Order shall be utilized after being approved by Ecology.

1. Contractors working on WSDOT projects are required to comply with conditions of the Order if it is being used as the water quality modification for the site. While WSDOT is ultimately responsible for compliance with the Order, even when the work is contracted out, both the contractor and/or WSDOT may be held liable for any violations of the Order.
2. The project activities shall not cause adverse impacts to the quality and characteristic uses of the waterbody in which the project is undertaken. In all cases, the project will be designed to minimize impacts to waters of the state.
3. The activities must comply with all water quality protection related conditions contained in the Washington State Department of Fish and Wildlife (WDFW) Hydraulic Project Approval (HPA) including time limitations.
4. This Order is valid for a one year period from issuance.
5. **Water Quality** All water discharged from the site shall meet the State's Water Quality Standards, WAC 173-201A at the point of compliance as defined below. WSDOT is encouraged to conduct monitoring to ensure compliance with Water Quality Standards.
 - 5a. The point of compliance for work occurring within the water shall be as follows:
 - 1) For waters up to 10 cfs flow at time of construction the point of compliance shall be 100 feet downstream from project activities.
 - 2) For waters from 10 cfs to 100 cfs flow at time of construction, the point of compliance shall be 150 feet downstream of project activities.
 - 3) For waters from 100 cfs and up at the time on construction the point of compliance shall be 250 feet downstream of project activities.
 - 4) For projects working within lakes, ponds, marine waters or other quiescent waters the point of compliance shall be at a radius of 150 feet from project activities.
 - 5b. Within the dilution zone, turbidity levels can be exceeded, and dissolved oxygen (DO) shall not be allowed to drop more than 2 mg per liter below background, but in no case will the DO be allowed to drop below 6.5 mg per liter.

- 5c. The pH of any sedimentation pond effluent must be between 6.5 and 8.5, and must not cause a change of more than 0.2 pH units from upstream background conditions.
- 5d. There shall be no visible sheen from petroleum products in the receiving water as a result of project activities.
- 6. Copies of the general conditions and the specific conditions that apply to the project site contained within this Order shall be kept on the job site at all times during construction.
- 7. All construction debris and excess sediment shall be properly managed and disposed of so it cannot enter into the waterway or cause water quality degradation to state waters.
- 8. Work in or near the waterway shall be done so as to minimize turbidity, erosion, other water quality impacts, and stream bed deformation.
- 9. All areas disturbed or newly created by the project construction shall be stabilized as soon as possible to prevent erosion.
- 10. All concrete shall be poured in the dry, or within confined waters not being dewatered to surface waters, and shall be allowed to cure a minimum of seven (7) days before contact with water. The waters of the state shall not come in contact with the concrete structure while the concrete is curing. Fresh, uncured concrete in direct contact with the water is toxic to aquatic life. Any dewatering required from a contained area with curing concrete shall be discharged to land with no possible entry to surface waters. If the project occurs in a location which has a municipal sanitary sewer system and no land available for biofiltration, discharge should be to the sanitary sewer. Contact the local sewer authority prior to discharge.
- 11. All erosion control and storm water measures shall meet or exceed WSDOT's Highway Runoff Manual.
- 12. Periodic inspection and maintenance of all erosion control structures shall be conducted at least once every 7 days and within 24 hours after any storm event equal to or greater than 0.5 inches of rain per 24 hour period. Any damaged structures shall be immediately repaired. If it is determined at the inspection that additional measures are needed to control storm water and erosion, they shall be implemented immediately.
- 13. **HAZARDOUS SPILL PREVENTION AND CONTROL**
 - 13a. No petroleum products, fresh cement, lime or concrete, chemicals, or other toxic or deleterious materials shall be allowed to enter waters of the state.
 - 13b. Equipment that enters the state's waters shall be maintained such that no visible sheen from petroleum products appears on the water.
 - 13c. The discharge of oil, fuel or chemicals to waters of the state, or onto land with a potential for entry into state waters, is prohibited.

- 13d. No emulsifiers or dispersants are to be used in waters of the state without approval from the Department of Ecology, Regional Office.
- 13e. No cleaning solvents or chemicals utilized for tool or equipment cleaning may be discharged to the ground or to waters of the state.
- 13f. All oil, fuel or chemical storage tanks or containers shall be diked and located on impervious surfaces so as to prevent spills from escaping to surface waters or ground waters of the state. Waste liquids shall be stored under cover, such as tarpaulins or roofs.
- 13g. 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. Proper security shall be maintained to prevent vandalism.
- 13h. Concentrated waste or spilled chemicals shall be transported off site for disposal at a facility approved by the Department of Ecology or appropriate County Health Department. These materials shall not be discharged to any sewer without approval of the local sewer authority.

14. **SPILL REPORTING**

- 14a. Spills into state waters, spills onto land with a potential for entry into state waters, or other significant water quality impacts such as distressed or dead fish noticed in the project vicinity, shall be reported immediately to the appropriate Ecology Regional Office in the region where the project is taking place. Containment and clean-up efforts shall begin and be completed as soon as possible, taking precedence over normal work. Clean-up shall include proper disposal of any spilled material and used clean-up materials.
- 14b. Paint and solvent spills shall be treated as oil spills and shall be prevented from reaching storm drains and subsequent discharge into the water. Any such spill shall be reported to the Ecology Regional Office immediately.
- 14c. Department of Ecology Regional Office 24 hour telephone reporting numbers.
 - Central Region (509) 575-2490
 - Eastern Region (509) 456-2926
 - Northwest Region (206) 649-7000
 - Southwest Region (360) 407-6300
- 14d. In case of fish kills the Area Habitat Biologists with the Department of Fish and Wildlife shall be called. If the Habitat Biologists can not be contacted call (360) 902-2534.

ACTIVITY SPECIFIC CONDITIONS

WSDOT shall comply with the following specific conditions that apply to the activity that is being conducted. The general and specific conditions shall be located on site during construction. Precluding development of new technology, techniques, or development of new Best Management Practices, the methods set forth in the Order shall be utilized.

I. MAINTENANCE ACTIVITIES

A. Beaver Dam Removal

1. WSDOT shall comply with conditions outlined in the most current WDFW *Provisions for a General Beaver Dam Removal Hydraulic Project Approval*.

B. Ferry System Maintenance Pile Driving and Removal

1. WSDOT shall comply with conditions outlined in the most current WDFW HPA for *Removal or Driving of 8 or Fewer Piles for Marine Waters*.

C. Highway Bridge and Ferry Terminal Transfer Span Cleaning and Painting Activities

Best Management Practices (BMP's) or other mitigation measures shall be used to contain and control abrasive material, for proper storage and use of chemicals and paint, for oil, paint and chemical spill prevention and control, and for clean-up of supplies and other solid wastes. The following are minimum BMP's expected to be utilized on site.

1. Bridge Washing/Cleaning:

- 1a. Paved surfaces: The paved surface of the bridge shall be dry cleaned of debris accumulations prior to fresh water flushing. Flushing will involve the use of clean water only, no detergents or other cleaning agents shall be discharged into waters of the state.
- 1b. Structural cleaning: Pressure washing of structures shall be done using appropriate screened tarping to control and contain paint particles generated by the activity. Concentrated accumulations of bird feces and nests shall not be allowed to drop into the water. This material shall be scraped from the bridge structure, collected and disposed of properly.
- 1c. Pressure washing of concrete structures shall be held to the minimum necessary to maintain structure integrity. Pressure washing of concrete structures can result in an increased pH discharge with a potential to violate state water quality criteria.

2. Tarps shall be used to control and contain abrasive grit and dusts. Spent abrasive grit and dusts shall not be discharged to the water. Spent abrasive grit shall be disposed at an appropriate upland location.
3. Periodic inspection and maintenance of all control measures must be provided.
4. Debris accumulations on the bridge, road surface, and within the bridge drains, such as rust, dirt, sand, dust, paint residue and grease shall be collected or swept up and properly disposed of off site. Additional material remaining in the drains after all efforts at hand removal have been attempted, may be flushed with clean, fresh water.
5. Painters shall work from pails containing a maximum of two (2) gallons of paint to minimize the impact of accidental spillage.
6. No cleaning solvents or chemicals utilized for tool or equipment cleaning may be discharged to the ground or water. Cleaning of painting and maintenance equipment shall not be done in state waters nor shall resultant cleaning runoff be allowed to enter state waters. No paint cans, lids, brushes, or other debris shall be allowed to enter state waters.
7. All liquid products shall be stored and mixed on impervious surfaces in a secure covered and contained location to eliminate the potential for spills into state waters.
8. Drip pans or other protective devices shall be required for all paint mixing and solvent transfer operations.
9. Drip tarps shall be suspended below paint platforms to prevent spilled paint, buckets, brushes, etc., from being lost to state waters.
10. Paint and solvent spills shall be treated as oil spills and shall be prevented from reaching storm drains and subsequent discharge into the water. Any such spill shall be reported to the Ecology Regional Office immediately.
11. The Engineer shall be on site or on call, and be readily accessible to the site at all times while cleaning and painting activities are occurring that may affect the quality of state waters.
12. The Engineer shall have adequate authority to ensure proper implementation of the Pollution Control Plan for Bridge Maintenance and Painting, as well as immediate corrective actions necessary because of changing field conditions.

D. Bridge Pier, Structure, Bridge Protection Device, Stream Bank and Roadway Protection Maintenance and Repair

1. When removing and repairing existing structures, including shear booms, all demolition and construction material shall be removed from the water and disposed of properly in an upland site. During demolition, materials shall not be stored where high tides, wave action, or upland runoff can cause the materials to enter into the water.

2. When replacing the structure Ecology recommends the use of non-treated or recycled materials. WDFW does not allow the use of creosote or pentachlorophenol treated wood in lakes (WAC 220-110-060(4)). If creosote treated or other protective material is allowed for rivers or marine waters, it shall be completely dry before use in or near the waterway to minimize leaching to the water or bed. WSDOT shall comply with the requirements for the use of treated wood in the HPA. Please refer to the Memorandum of Agreement between WDFW and Ecology regarding use of treated wood in aquatic areas.
3. Material used to construct road approaches to access the project site shall be of clean composition and placed in a manner to prevent erosion, and siltation that might result from high water and/or heavy rains. The approach area shall be stabilized and planted to meet WDFW and local requirements upon completion of the project.
4. Riprap shall be clean and durable, free from dirt, sand, clay, and rock fines. Riprap placed to repair flood or other erosion caused damage shall be placed using equipment. End dumping of clean riprap from the bridge deck into the work zone is allowed only if other means of transport to the work zone would be more intrusive on the environment.
5. Unless authorized by WDFW, heavy equipment shall not enter the waterbody, and shall be operated as far from the water's edge as possible. Impacts to bank and shoreline vegetation shall be limited to the maximum extent possible. Areas damaged by equipment or by placing of approach materials shall be stabilized or replanted where destroyed or damaged by equipment used in the repair work.
6. Stream bank and roadway protection projects should evaluate the use of bioengineering techniques. Please consult with the area WDFW Habitat Biologist.

E. Debris Removal from Bridge Piers, Piles, Braces and Abutments

1. All debris removed from the bridge shall be properly stored far enough on the bank so as not to enter the waterway or cause water quality degradation to state waters.
2. WSDOT shall consult with WDFW, local governments, or the Natural Resource Conservation Service for ideas on beneficial uses of any large woody debris material prior to disposal of such material. Large woody debris is defined as trees or tree parts larger than four inches in diameter and longer than six feet and rootwads. Large woody debris may be specifically authorized by WDFW to be left in the stream below the bridge.
3. Bank vegetation shall be protected during removal and storage of debris material. If vegetation is destroyed, the bank shall be replanted upon completion of debris removal.
4. When removing material, equipment shall operate from the bridge or bank. Unless authorized by WDFW, no heavy equipment shall enter the flowing water.

F. Ditch, Stream and Culvert Cleaning and Maintenance

1. Ditch, Stream Channel and Culvert Cleaning

- 1a. For areas where gravel bar removal is required, no equipment shall be allowed to enter the water unless access to the gravel bar through the water is authorized by WDFW.
 - 1b. Follow all requirements of the WDFW HPA.
 - 1c. No gravel processing (sorting, screening, or crushing) or other industrial activities (hot mix asphalt plant or concrete batch plant) that would require coverage under the NPDES Sand and Gravel General Permit is permitted on the gravel bar.
2. Ditch, stream channel, and culvert cleaning activities shall take place when the ditch or culvert does not contain water whenever possible. If the ditch or culvert has flowing water that discharges to surface waters of the state at the time of the cleaning activity, temporary sediment traps shall be used to control turbid water created by the activity. Placement of a series of small reusable structures along the ditch line can successfully control turbidity created by the activity.
 3. Disturbance to bank and wetland vegetation adjacent to the ditch or stream channel shall be held to a minimum.
 4. All material excavated from roadside ditches, streams or culverts shall be completely removed and disposed of at an upland location. No material shall be side cast into adjacent wetlands or other waters of the state, unless authorized by WDFW for stream habitat improvement.
 5. If material is placed on the upland to dewater, it shall be contained or placed in such a way that the runoff will not flow into nearby storm drains, waterbodies or wetlands occurring adjacent to the ditch. Any flow of slurry water shall be controlled to reduce suspended sediment levels prior to discharge back into any adjacent waterbody. This return water shall not exceed the standards as stated in General Condition 4.

G. Ferry Sacrificial Structures, Wing Walls, Dolphins

1. When removing and repairing existing structures, all demolition and construction material shall be removed from the water and disposed of properly in an upland site. During demolition, materials shall not be stored where high tides, wave action, or upland runoff can cause the materials to enter into the water.
2. When replacing the structure Ecology recommends the use of steel, concrete, plastic or recycled materials. If creosote treated or other protective material is allowed for the waterbody in which the project is taking place, it shall be completely dry before use in or near the waterway. Please refer to the Memorandum of Agreement (MOA) between WDFW and

Ecology regarding use of treated wood in aquatic areas. WSDOT shall comply with the requirements for the use of treated wood in the HPA and the MOA.

3. Every attempt shall be made to reduce shading impacts when replacing structures over vegetated areas.
4. Unless authorized by WDFW, heavy equipment shall not enter the waterbody, and shall be operated as far from the water's edge as possible. Impacts to bank and shoreline vegetation shall be limited to the maximum extent possible, and replanted where destroyed or damaged by equipment used in the repair work.
5. If sacrificial structures are being replaced in an area of contaminated sediments, Ecology's Sediment Management Section shall be contacted prior to starting work to determine if sediment cleanup will be required. Any new structures shall not foreclose future cleanup options, and WSDOT shall be responsible for additional costs incurred by such structures if cleanup is determined to be required in the future.
6. New concrete structures, repair of existing structures, and piling reinforcement shall follow the requirements of section 6-02.3(17)N of the *WSDOT 1996 Standard Specifications for Road, Bridge and Municipal Construction Manual* regarding removal of forms.
7. WSDOT shall comply with conditions outlined in the WDFW HPA for filling piles with concrete, and dewatering piles or drilled shafts after a concrete seal has been poured.

H. Maintenance and Relocation of Navigation Buoys

1. Every effort shall be made to minimize disturbance of bottom sediments when placing the buoys.
2. In contaminated sediment sites, a work barge shall be used to move the buoys. The buoys shall not be relocated by dragging along the bottom of a site with contaminated sediments.
3. Cleaning of buoys shall be done by spraying with clean water. No chemicals or solvents shall be used when cleaning buoys over the water. If buoys are removed for cleaning, all solvent or chemicals used for cleaning shall be completely removed from the buoys prior to returning to the water. Discharge of chemical wastewater is prohibited.
4. Painting of buoys shall be done in the uplands in a contained area that will not allow discharge of paint, paint chips, or abrasive blasting materials to enter the water or adjacent storm drains.

I. Maintenance of Storm Water Control and Treatment Structures

1. Cleaning of storm water conveyance systems (catch basins, piping, vaults, detention/retention ponds) by use of vactor or eductor systems shall be performed to minimize discharge of turbid water. Accumulated sediments from vactor or eductor cleaning operations shall be disposed of at appropriate locations. Decanting of the liquid portion of vactor wastes in the field shall be handled in the following manner:

- a). Decant water shall be disposed to municipal decant stations and/or sanitary sewers where WSDOT has approval to use.

- b). In cases where approval to use municipal facilities has not been granted, WSDOT shall meet Condition G10 of the NPDES stormwater permit "Decant from street waste vehicles resulting from cleaning stormwater facilities may be reintroduced only when other practical means are not available and only to catch basins remote from the discharge point to waters of the state". Other practical means to consider include allowing the material to settle for a minimum of 30 minutes prior to discharge to either the ground with no discharge to surface water, or discharge upstream of a regional detention pond.

When discharging to catch basins, WSDOT shall meet all other treatment and handling conditions in the NPDES stormwater permit, the Highway Runoff Manual, and the WSDOT's Stormwater Management Plan.

- c). WSDOT shall adopt a strategy and schedule for meeting new policies when issued by Ecology's Stormwater Section.

2. Cleaning of storm water treatment ponds or swales shall be performed when there is not a possibility of a discharge from the pond for at least 24 hours.

3. If upon inspection of a stormwater facility, the water in the catch basin appears excessively oily, is of foul odor, or shows a fluorescent anti-freeze coloration, illicit dumping may be the cause and the catch basin or vault should not be pumped until a characterization of the water can be performed to determine the presence of toxic or hazardous contaminants. If weather conditions at the time of discovery is excessively wet, the material may need to be removed and stored for characterization to prevent a discharge and degradation of waters of the state. During dry weather, the urgency of removing the contaminated material is not an issue. Proper disposal options will be determined based on the characterization.

If there is a likely source nearby, please contact the Ecology Regional Office to report the information to the Environmental Report Tracking System.

4. If material is placed on the upland to dewater, it shall be contained or placed in such a way that the runoff will not flow directly into adjacent storm drains, waterbodies or wetlands occurring adjacent to the ditch. Any flow of slurry water shall be controlled to reduce suspended sediment levels prior to discharging back into any adjacent waterbody. This return water shall not exceed the standards as stated in General Condition 4 of this Order.

II.

NEW CONSTRUCTION

Roadway and Bridge Construction Projects

This section applies to projects which have components which entail work in the water for roadway construction, both new roadway and improvements, stream bank stabilization, including stream flow control groins, modification or re-routing of existing streams, and bridge construction for those portions of work occurring in and over the water.

A. General

The appropriate Regional Office of the Department of Ecology shall be notified of the proposed construction activity by use of the Joint Aquatic Resource Permit Application. This notification should be made no less than three (3) months prior to the commencement of project construction. If WSDOT is not contacted within 15 days of receipt of the application, the appropriate sections of this document will apply. The Department of Transportation is encouraged to contact the appropriate Regional Office of the Department of Ecology at any time to discuss proposed project activities.

B. Construction

1. WSDOT and 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.
2. **Erosion Control**
 - a. All projects that require the implementation of a Stormwater Site Plan or Temporary Erosion and Sediment Control Plan as described in the WSDOT Highway Runoff Manual shall be covered by the conditions in those documents.
 - b. For projects not covered by the above situations, the following minimum conditions for erosion and sediment control shall apply:
 - 1) All exposed and unworked soils shall be stabilized by suitable and timely application of BMP's.
 - 2) Adjacent and downstream properties shall be protected from sediment deposition from wind or water action.
 - 3) All sediment control devices including sediment ponds, perimeter silt fencing, and other sediment trapping BMP's shall be installed before grading.
 - 4) All temporary conveyance channels and pipe outlets shall be stabilized to prevent erosion.

- 5) All storm drain inlets that receive flow from the project shall be protected from sediment.
 - 6) All construction access routes that are subject to water or wind erosion shall be stabilized.
 - 7) All temporary and permanent erosion control BMP's shall be maintained and repaired as needed to assure continued performance of their intended function.
 - 8) All temporary BMP's and accumulated sediments shall be removed or stabilized after final site stabilization.
3. If demolition of a concrete bridge or other structure is part of the project, WSDOT shall follow any requirements contained in the HPA for dealing with large concrete pieces. If the method of taking the bridge apart is to saw-cut portions off, tarping is required to control and contain all saw-cut water. The saw-cut water shall be disposed of on land with no possibility of entry to surface waters.
 4. Under no circumstances shall free fall dumping of fill material occur in or next to any water body unless control structures are in place to prevent sediment from directly entering the waterbody.
 5. The natural flow of the affected waterbody shall be diverted around the construction site unless written approval to work in the flowing water is obtained from WDFW. Diversion may entail tightlining, coffer dams, or equivalent structures. The stream diversion system shall be designed and operated so as to not cause erosion or scour in the stream channel or banks of the waterbody.
 6. If using a diversion system, temporary sediment traps shall be cleaned out and the settled sediments removed from the stream channel before removing the stream diversion system and returning the stream to its natural channel. Settled sediments shall not be allowed to enter the stream due to water or run off flows that may occur after construction is completed.
 7. Clean dewatering water may be discharged directly to waters of the state. Any discharge outfall utilized shall be designed and operated so as to not cause erosion or scour in the stream channel or banks.
 8. Turbid water generated from construction activities, including turbid dewatering water, shall not be discharged directly to waters of the state. Temporary sediment traps shall be used to allow the turbid water to settle for a minimum of two hours before discharge. The flow rate of turbid water into the stream shall not exceed one-tenth of the natural flow rate of the stream at the time of discharge.

If measures are developed to bring the turbidity levels of the discharge into compliance with Water Quality Standards with less than the required detention time, WSDOT may implement such measures after contacting the Ecology Regional Office where the work will take place.

9. All lumber treated with creosote or other protective material shall be completely dry before use in or near the waterway. If creosote treated or other protective material is allowed for the waterbody in which the project is taking place, it shall be completely dry before use in or near the waterway. WSDOT shall comply with the requirements for the use of treated wood in the HPA. Please refer to the Memorandum of Agreement between WDFW and Ecology regarding use of treated wood in aquatic areas.
10. Material used to construct road approaches to the site shall be of clean composition and placed in a manner to prevent erosion and siltation that might result from high water and/or heavy rains.
11. Impacts to bank and shoreline vegetation shall be limited to the maximum extent possible, and replanted where destroyed or damaged.
12. Unless authorized by WDFW, heavy equipment shall not enter the waterbody, and shall be operated as far from the waters edge as possible.
13. A separate area shall be set aside, that does not have any possibility of draining to surface waters, for the wash out of concrete delivery trucks, pumping equipment, and tools.
14. **Construction Pollution Control Inspection** -- The Engineer or designee shall be the Pollution Control Inspector. The Pollution Control Inspector shall be made available to supervise implementation of the Erosion and Sediment Control Plan, and construction practices.
 - 14a. The Pollution Control Inspector shall be on call and on site at all times while construction activities are occurring that may affect the quality of ground and surface waters of the state.
 - 14b. The Pollution Control Inspector shall have adequate authority to ensure proper implementation of the Erosion and Sediment Control Plan, as well as immediate corrective actions necessary because of changing field conditions.

III. NOXIOUS WEED CONTROL WITH AQUATIC HERBICIDES

A. General

Any application of pesticides by WSDOT shall comply with the conditions listed in this section of the Order, the Rodeo[®] (glyphosate) labels and surfactant labels instructions. When application conditions in the Order issued by Ecology differ from those on the labels, the more stringent of the two requirements must be complied with. However, no condition in this Order, or any amendment to the Order, shall reduce the requirements on any label instruction.

Any person applying Rodeo[®] (glyphosate) and surfactants to water of the state must have or be accompanied by someone with an aquatic endorsement on their pesticide applicators license.

B. TREATMENT REQUIREMENTS

1. The applicator(s) shall take all reasonable precautions to prevent spraying non-target vegetation and non-vegetated areas.
2. If a second wick or wiper application is necessary in heavy strands, the second application shall be applied in the opposite direction.
3. A period of 14 days between treatments is required prior to re-treating the same areas.

C. CHEMICAL REQUIREMENTS

The chemicals allowed for use in the spray mix under this Order are Rodeo[®] (glyphosate) and the surfactant(s) LI-700[®].

D. TIMING REQUIREMENTS

A timing restriction is imposed limiting the application of Rodeo[®] to the following period:
Between May and October 31.

E. PUBLIC NOTICE & POSTING REQUIREMENTS

1. WSDOT shall conduct one of the following notification procedures in areas where the noxious weeds are to be treated:
 - A letter or flier shall be sent to each resident/property owner adjacent to the property to be treated at least a week in advance to any treatments. The letter or flier shall include the following information:
 - A. The month (s) of treatment,
 - B. The common name of waterbody to be treated,
 - C. The Rodeo[®] (glyphosate) and registered surfactants to be used,

- D. The names and phone numbers of the WSDOT permit coordinator or contact, and Ecology's 24-hour Emergency number.

OR

- The applicator shall call the resident^{or} property owner adjacent to the property to be treated prior to any treatments. A record of the telephone conversation (i.e., person spoken to, date, time of call, and location of access area to be treated) shall be mailed or hand delivered to Ecology immediately upon request.

If the notification explains the application schedule for the whole season, and there is no significant deviation from that plan, no further notice will be required for the rest of the season (unless a resident/property owner specifically requests further notification).

2. WSDOT shall post all normal entries to the treatment area. Posting shall be placed within 24 hours prior to a treatment. Signs must face all normal access points to the area and be clearly readable by people using the access area.

WSDOT shall use good faith and reasonable efforts to ensure that posted signs remain in place during the treatment season. Signs shall be posted so they are secure from the normal effects of weather and water currents but cause no damage to private or public property. WSDOT shall be responsible for removal of all signs at the end of the treatment season.

F. **REPORTING & RECORD-KEEPING REQUIREMENTS**

1. When requested the applicator(s) shall provide a reasonable estimate of the time, the exact location of treatment, and an emergency telephone number where they can be reached to Ecology, WSDOT, and other resource agency staff. A message by voice mail or FAX shall suffice for this condition.
2. The applicator(s) shall keep complete application records on the approved spray report form. This form will also fulfill the WSDOT's reporting requirements. These application records shall be completed the same day Rodeo[®] (glyphosate) and surfactants were applied and be mailed to Ecology within 30 days of treatment. In addition, a hand delivered copy must be provided to Ecology immediately upon request.
3. WSDOT and/or the applicator(s) shall immediately call the following 24-hour number of the appropriate Regional Office if notified of any person who exhibits or indicates any toxic and/or allergic response, or of any fish, fauna, or non-targeted plants that exhibit stress conditions or die following a pesticide treatment.