



STATE OF WASHINGTON  
DEPARTMENT OF ECOLOGY

Northwest Regional Office • 3190 160th Avenue SE • Bellevue, Washington 98008-5452 • (425) 649-7000  
May 31, 2013

Robert Brenner  
Kewit/General/Manson, A Joint Venture  
SR 520 Evergreen Point Floating Bridge  
3015 112<sup>th</sup> Ave N.E., Suite 100,  
Bellevue, WA 98004

Order Docket #	9925
Notice of Violation Docket #	9652
Site Location	Kenmore Yard -SR 520 Evergreen Point Floating Bridge Project, 6423 NE 175 <sup>th</sup> Street, Kenmore, WA 98028

Re: Administrative Order

Dear Mr. Brenner:

The Department of Ecology (Ecology) has issued the enclosed Administrative Order (Order). Through this Order Ecology is taking an enforcement action and requiring Kewit/General/Manson to comply with:

- Chapter 90.48 Revised Code of Washington (RCW) - Water Pollution Control
- Chapter 173-201A Washington Administrative Code (WAC) - Water Quality Standards for Surface Waters of the State of Washington

If you have questions please contact Greg Stegman at 425-649-7019 or [greg.stegman@ecy.wa.gov](mailto:greg.stegman@ecy.wa.gov).

Sincerely,

Kevin C. Fitzpatrick  
Water Quality Section Manager

KCF:GS:gs

Enclosures: Administrative Order Docket # 9952

By certified mail: 7007 0220 0004 7250 1344

cc: Greg Stegman, Ecology  
Raman Iyer, Ecology  
Larry Altose, Ecology PIO



STATE OF WASHINGTON  
DEPARTMENT OF ECOLOGY

IN THE MATTER OF AN )  
ADMINISTRATIVE ORDER ) ADMINISTRATIVE ORDER  
AGAINST ) DOCKET # 9925  
Kewit/General/Manson, A Joint Venture )  
)

To:

Robert Brenner  
Kewit/General/Manson, A Joint Venture  
SR 520 Evergreen Point Floating Bridge  
3015 112<sup>th</sup> Ave N.E., Suite 100,  
Bellevue, WA 98004

<b>Order Docket #</b>	9925
<b>Site Location</b>	Kenmore Yard -SR 520 Evergreen Point Floating Bridge Project 6423 NE 175 <sup>th</sup> Street, Kenmore, WA 98028

The Department of Ecology (Ecology) has issued this Administrative Order (Order) requiring Kewit/General/Manson, A Joint Venture (KGM) to comply with:

- Chapter 90.48 Revised Code of Washington (RCW) - Water Pollution Control
- Chapter 173-201A Washington Administrative Code (WAC) - Water Quality Standards for Surface Waters of the State of Washington

Ecology has the authority to issue this Order under RCW 90.48.120(1).

This Order follows a Notice of Violation Docket # 9652, which Ecology issued to KGM on December 28, 2012

Ecology received a response to the Notice of Violation on January 29. On March 5, 2013 Ecology sent a letter requesting additional information after reviewing the KGM response and on March 15, 2013 Ecology received the additional information. Ecology considered the KGM response when preparing this Order.

**FACTS**

On two documented occasions Kewit/General/Manson tug boats have caused visible sediment disturbance in the Kenmore Navigation Channel which is a violation of RCW 90.48.080. On

March 21, 2012 the Manson tug boat Nancy M. while moving a barge strayed outside the navigation channel causing visible sediment disturbance in front of Kenmore Air and Northlake Marina. In August 2012 the Manson tug boat Harry M. while moving a barge towards the entrance of the channel caused visible sediment disturbance.

#### **ORDER TO COMPLY**

For these reasons and in accordance with RCW 90.48.120(1) it is ordered that KGM take the following actions.

- The temporary anchorage area in Lake Washington will be used to reduce the number of KGM vessels in the Kenmore Navigation Channel (Channel) and thereby limit the number of active propellers in the channel at one time
- KGM will regulate the tempo of vessel operations in the Channel to minimize traffic by even small and shallow draft vessels.
- KGM will operate vessels in a manner that will not cause visible sediment disturbance in the Channel or in adjacent areas on either side of the Channel.
- When in the Channel, KGM vessels will be operated at 5 knots or below, with minimal propeller thrust.
- KGM vessels will reduce power to minimum upon approach to dock.
- Active propeller wash will be reduced by restricting extended reverse movements of KGM vessels.
- KGM vessels will stay in the Channel, utilize navigation/GPS equipment, operate in the deepest portions of the Channel and will record the track with position and heading.
- Fuel loads on KGM vessels will be minimized in order to reduce tug draft.
- KGM will record GPS data of KGM vessel movements in the Channel and in adjacent areas on either side of the Channel, retain such data until completion of the 520 Bridge Project and make the data available to Ecology upon request.

- Notification of KGM vessel movement in the Channel will be made to Ecology weekly for the following week.
- If a KGM captain must deviate from any of the above conditions to prevent injury to people, property, or to comply with applicable Coast Guard regulations and the deviation results in vessel operations outside of the Channel, verbal notification of the event will be made to Ecology immediately, and in no case more than 24 hours after the event. Verbal notification will be made to Ecology's Environmental Report Tracking System at 425-649-7000. Within seven days, KGM will provide Ecology with a written report describing; the nature, location and cause of the deviation; the GPS data for the trip during which the deviation occurred and photographs of water conditions resulting from and/or during the deviation; and the steps taken by KGM to reduce, eliminate, and prevent recurrence of such a deviation.

Ecology retains the right to make modifications to this Order through supplemental order, or amendment to this Order, if it appears necessary to further protect the public interest.

#### **ELIGIBILITY FOR PAPERWORK VIOLATION WAIVER AND OPPORTUNITY TO CORRECT**

Ecology has determined the violation(s) described in this Order are not paperwork violations under RCW 34.05.110 and therefore you are not eligible for a waiver for a first-time paperwork violation.

#### **FAILURE TO COMPLY WITH THIS ORDER**

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.

#### **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.

Your appeal alone will not stay the effectiveness of this Order. Stay requests must be submitted in accordance with RCW 43.21B.320.

**ADDRESS AND LOCATION INFORMATION**

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

**CONTACT INFORMATION**

Please direct all questions about this Order to:

Greg Stegman  
Department of Ecology  
Northwest Regional Office  
3190 160<sup>th</sup> Ave SE  
Bellevue, WA 9008-5452  
425-649-7019  
greg.stegman@ecy.wa.gov

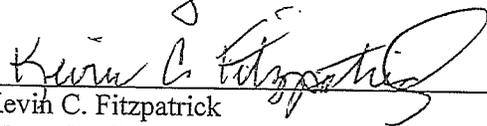
**MORE INFORMATION**

- **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 and Land Use 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 34.05 RCW – Administrative Procedure Act**  
<http://apps.leg.wa.gov/RCW/default.aspx?cite=34.05>
- **Laws:** [www.ecy.wa.gov/laws-rules/ecyrcw.html](http://www.ecy.wa.gov/laws-rules/ecyrcw.html)
- **Rules:** [www.ecy.wa.gov/laws-rules/ecywac.html](http://www.ecy.wa.gov/laws-rules/ecywac.html)

**SIGNATURE**

DATED May 28, 2013, at Bellevue, Washington

  
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Kevin C. Fitzpatrick  
Water Quality Section Manager  
Northwest Regional Office



STATE OF WASHINGTON  
DEPARTMENT OF ECOLOGY

Northwest Regional Office • 3190 160th Ave SE • Bellevue, WA 98008-5452 • 425-649-7000  
711 for Washington Relay Service • Persons with a speech disability can call 877-833-6341

June 27, 2013

Mr. Robert Brenner  
Kewit/General/Manson, A Joint Venture  
SR 520 Evergreen Point Floating Bridge  
3015 112<sup>th</sup> Avenue NE, Suite 100  
Bellevue, WA 98004

<b>Amended Order Docket No.</b>	10010
<b>Order Docket No.</b>	9925
<b>Site Location</b>	Kenmore Yard - SR 520 Evergreen Point Floating Bridge Project 6423 NE 175 <sup>th</sup> Street Kenmore, WA 98028

Re: Amended Administrative Order

Dear Mr. Brenner:

The Department of Ecology (Ecology) has issued the enclosed Administrative Order (Order). Through this Order, Ecology is taking an enforcement action and requiring Kewit/General/Manson to comply with:

- Chapter 90.48 Revised Code of Washington (RCW) - Water Pollution Control
- Chapter 173-201A Washington Administrative Code (WAC) - Water Quality Standards for Surface Waters of the State of Washington

If you have questions please contact Greg Stegman at 425-649-7019 or [greg.stegman@ecy.wa.gov](mailto:greg.stegman@ecy.wa.gov).

Sincerely,

Kevin C. Fitzpatrick  
Water Quality Section Manager

Enclosures: Amended Order Docket No. 10010

By certified mail: 7008 1140 0000 2359 8688

cc: Greg Stegman, Ecology  
Raman Iyer, Ecology  
Larry Altose, Ecology





**STATE OF WASHINGTON  
DEPARTMENT OF ECOLOGY**

IN THE MATTER OF AN ) ADMENDED ADMINISTRATIVE ORDER ) AGAINST ) Kewit/General/Manson, A Joint Venture )	AMENDED ADMINISTRATIVE ORDER DOCKET NO. 10010  ADMINISTRATIVE ORDER DOCKET NO. 9925
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To: Mr. Robert Brenner  
 Kewit/General/Manson, A Joint Venture  
 SR 520 Evergreen Point Floating Bridge  
 3015 112<sup>th</sup> Avenue NE, Suite 100  
 Bellevue, WA 98004

<b>Amended Order Docket No.</b>	10010
<b>Order Docket No.</b>	9925
<b>Site Location</b>	Kenmore Yard - SR 520 Evergreen Point Floating Bridge Project 6423 NE 175 <sup>th</sup> Street, Kenmore, WA 98028

The Department of Ecology (Ecology) has issued this amended Administrative Order (Order) Docket No. 10010 to amend Order Docket No. 9925 dated May 28, 2013, issued to Kewit/General/Manson, A Joint Venture (KGM).

This Order describes the corrective actions required at the location known as Kenmore Yard - SR 520 Evergreen Point Floating Bridge Project, 6423 NE 175<sup>th</sup> Street, Kenmore, WA 98028.

**ADMINISTRATIVE ORDER AMENDMENTS**

The Order to Comply section beginning on page 2 of Order # 9925 is amended as follows:

*For these reasons and in accordance with RCW 90.48.120(1) it is ordered that KGM take the following actions.*

- The temporary anchorage area in Lake Washington will be used to reduce the number of KGM vessels in the Kenmore Navigation Channel (Channel) and thereby limit the number of active propellers in the Channel at one time.
- KGM will regulate the tempo of vessel operations in the Channel to minimize traffic by even small and shallow draft vessels.
- KGM will operate vessels in a manner that will not cause visible sediment disturbance in the Channel or in adjacent areas on either side of the Channel.

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- KGM vessels will stay in the Channel, utilize navigation/GPS equipment, operate in the deepest portions of the Channel and will record the track with position and heading.
- Fuel loads on KGM vessels will be minimized in order to reduce tug draft.
- KGM will record GPS data of KGM vessel movements in the Channel and in adjacent areas on either side of the Channel, retain such data until completion of the 520 Bridge Project and make the data available to Ecology upon request.
- Notification of KGM vessel movement in the Channel will be made to Ecology weekly for the following week.
- A KGM captain may deviate from any of the above conditions if necessary to (1) prevent injury to people or property; (2) comply with applicable Coast Guard regulations; or (3) address and respond to adverse weather conditions.
- If a KGM captain must deviate from any of the above conditions to prevent injury to people, property, or to comply with applicable Coast Guard regulations, and the deviation results in vessel operations outside of the Channel, verbal notification of the event will be made to Ecology immediately, and in no case more than 24 hours after the event. Verbal notification will be made to Ecology's Environmental Report Tracking System at 425-649-7000. Within seven days, KGM will provide Ecology with a written report describing the nature, location and cause of the deviation; the GPS data for the trip during which the deviation occurred and photographs of water conditions resulting from and/or during the deviation; and the steps taken by KGM to reduce, eliminate, and prevent recurrence of such a deviation.

*Ecology retains the right to make modifications to this Order through supplemental order, or amendment to this Order, if it appears necessary to further protect the public interest.*

No other condition(s) or requirement(s) of Order No. 9925 is affected by this amendment.

#### **ELIGIBILITY FOR PAPERWORK VIOLATION WAIVER AND OPPORTUNITY TO CORRECT**

Ecology has determined the violation(s) described in this Order are not paperwork violations under RCW 34.05.110 and therefore you are not eligible for a waiver for a first-time paperwork violation.

#### **FAILURE TO COMPLY WITH THIS ORDER**

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**CONTACT INFORMATION**

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Northwest Regional Office  
3190 160<sup>th</sup> Avenue SE  
Bellevue, WA 98008-5452

425-649-7019  
[greg.stegman@ecy.wa.gov](mailto:greg.stegman@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 and Land Use 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 34.05 RCW – Administrative Procedure Act**

<http://apps.leg.wa.gov/RCW/default.aspx?cite=34.05>

**Laws:** [www.ecy.wa.gov/laws-rules/ecyrcw.html](http://www.ecy.wa.gov/laws-rules/ecyrcw.html)

**Rules:** [www.ecy.wa.gov/laws-rules/ecywac.html](http://www.ecy.wa.gov/laws-rules/ecywac.html)

**SIGNATURE**

DATED June 27, 2013, at Bellevue, Washington

  
\_\_\_\_\_  
Kevin C. Fitzpatrick  
Water Quality Section Manager  
Northwest Regional Office